

## **EXHIBIT A**



US00D434266S

**United States Patent** [19]**Dobson et al.**[11] **Patent Number: Des. 434,266**[45] **Date of Patent: \*\* Nov. 28, 2000**[54] **COOKER**[75] Inventors: **William C. Dobson; Scott T. Pollnow,**  
both of West Bend, Wis.[73] Assignee: **Premark WB Holdings, Inc.,**  
Wilmington, Del.[\*\*] Term: **14 Years**[21] Appl. No.: **29/120,985**[22] Filed: **Mar. 28, 2000****Related U.S. Application Data**[63] Continuation of application No. 29/097,446, Dec. 7, 1998,  
Pat. No. Des. 425,360.[51] **LOC (7) Cl.** ..... **07-02**[52] **U.S. Cl.** ..... **D7/354**[58] **Field of Search** ..... D7/354-361, 545;  
99/324, 325, 340, 347, 403, 410, 411, 413,  
419[56] **References Cited****U.S. PATENT DOCUMENTS**

D. 153,894	5/1949	Mortrude	.....	D7/354
D. 199,747	12/1964	Farber	.....	D7/354
D. 248,363	7/1978	Rinaldi	.....	D7/354
D. 253,574	12/1979	Anderson, Jr.	.....	D7/356
D. 254,355	3/1980	Ottier	.....	D7/545
D. 275,925	10/1984	Bowen et al.	.....	D7/357

D. 284,257	6/1986	Greb et al.	.....	D7/355
D. 366,592	1/1996	Cesaroni et al.	.....	D7/360
D. 416,434	11/1999	Pollnow	.....	D7/360
D. 420,246	2/2000	Alonge et al.	.....	D7/360
D. 420,247	2/2000	Kaney et al.	.....	D7/360
D. 425,360	5/2000	Dobson et al.	.....	D7/360

*Primary Examiner*—Caron D. Veynar*Attorney, Agent, or Firm*—Michael Best & Friedrich LLP[57] **CLAIM**

The ornamental design for a cooker, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

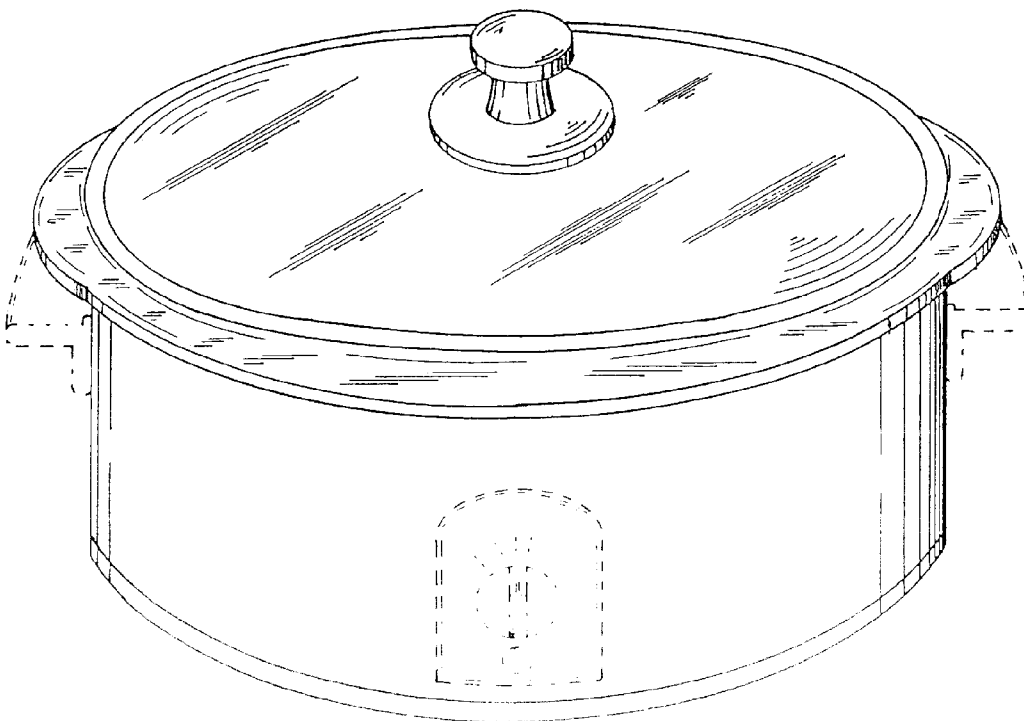
FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

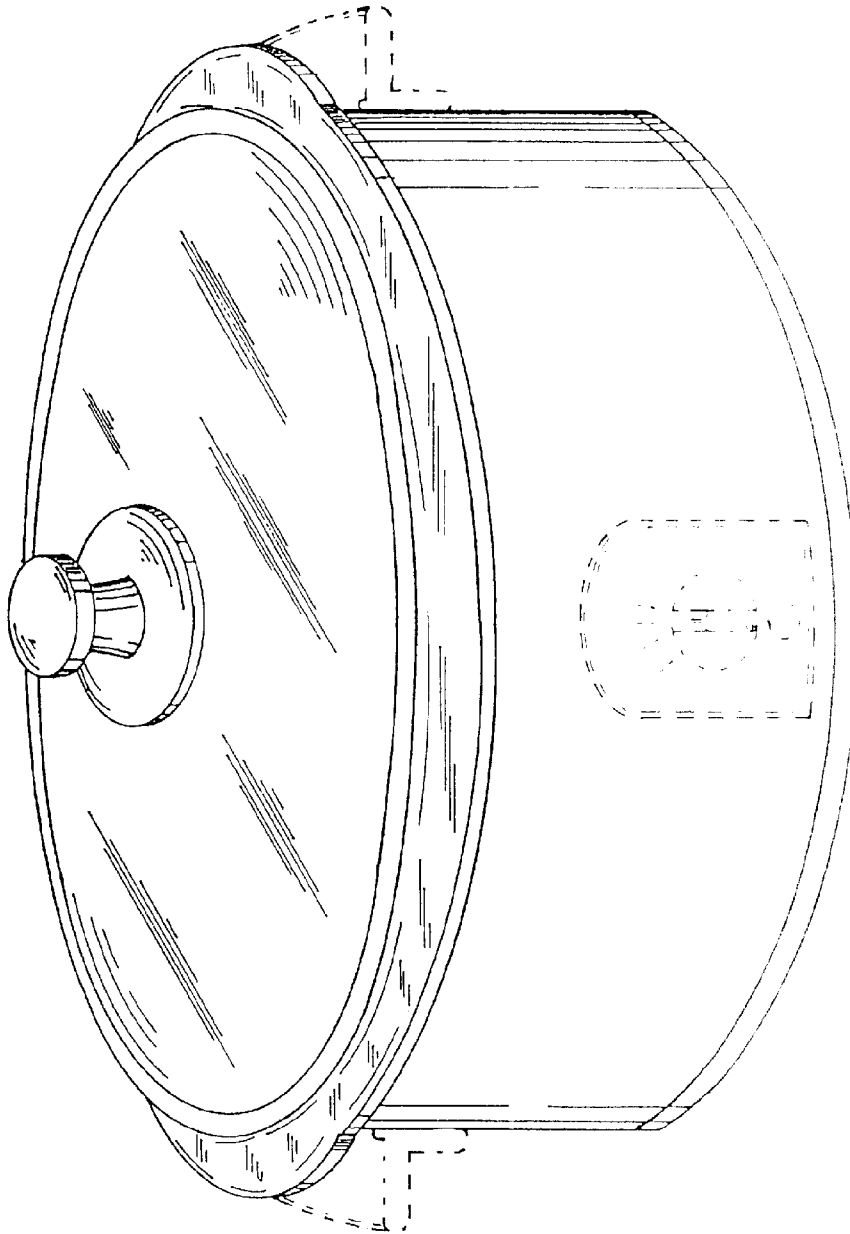
**1 Claim, 7 Drawing Sheets****EXHIBIT A**

**U.S. Patent**

**Nov. 28, 2000**

**Sheet 1 of 7**

**Des. 434,266**



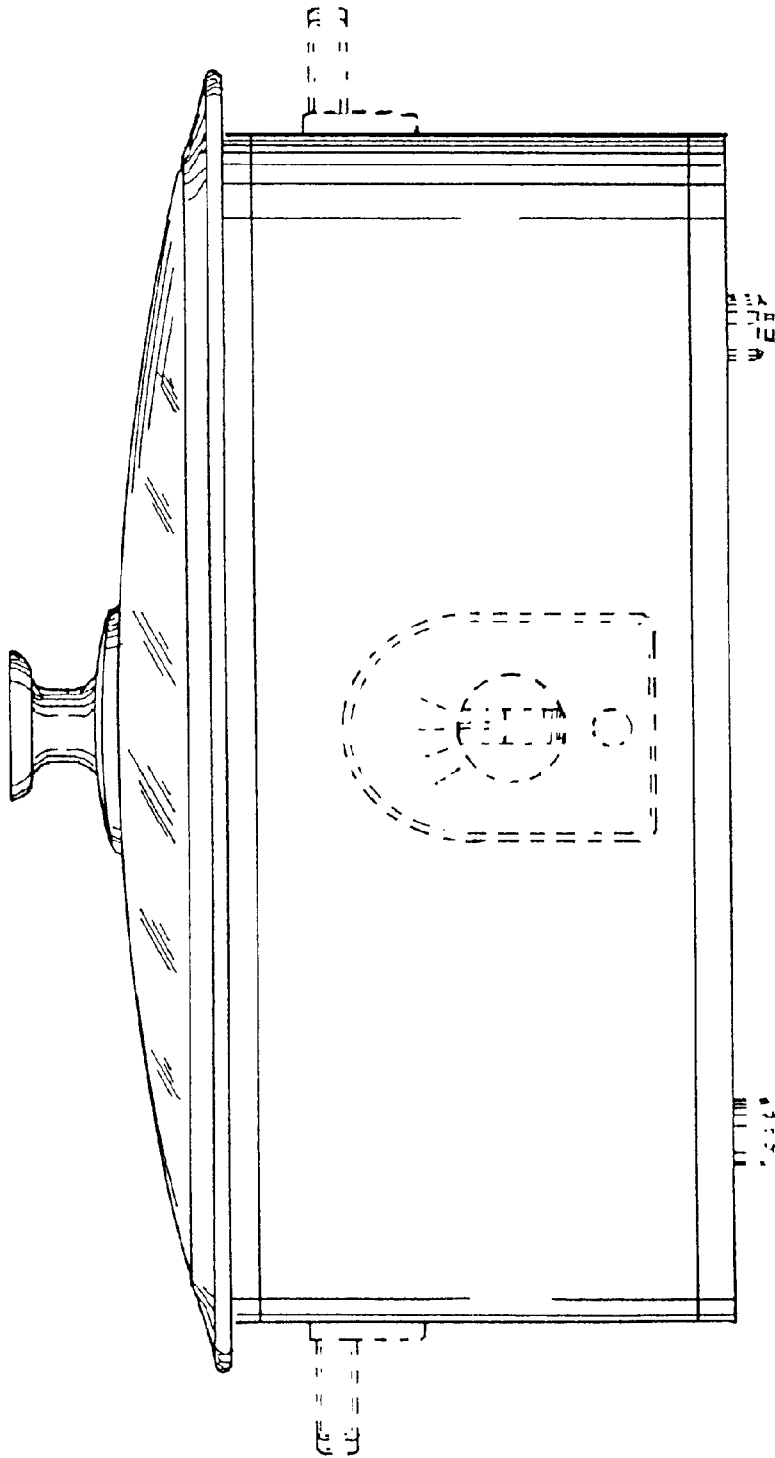
*Fig. 1*

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Nov. 28, 2000

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Des. 434,266



*Fig. 2*

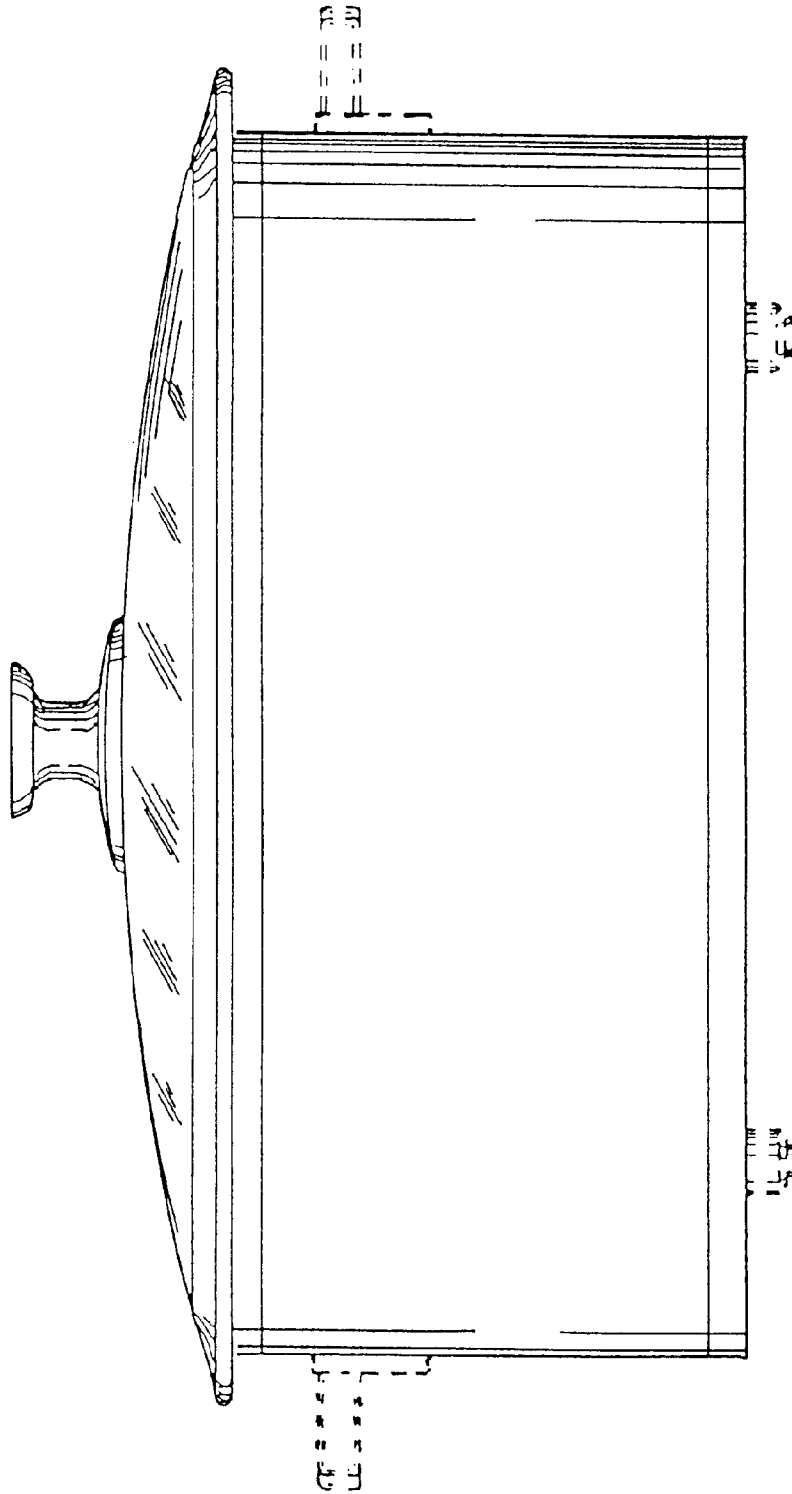


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Nov. 28, 2000

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Des. 434,266



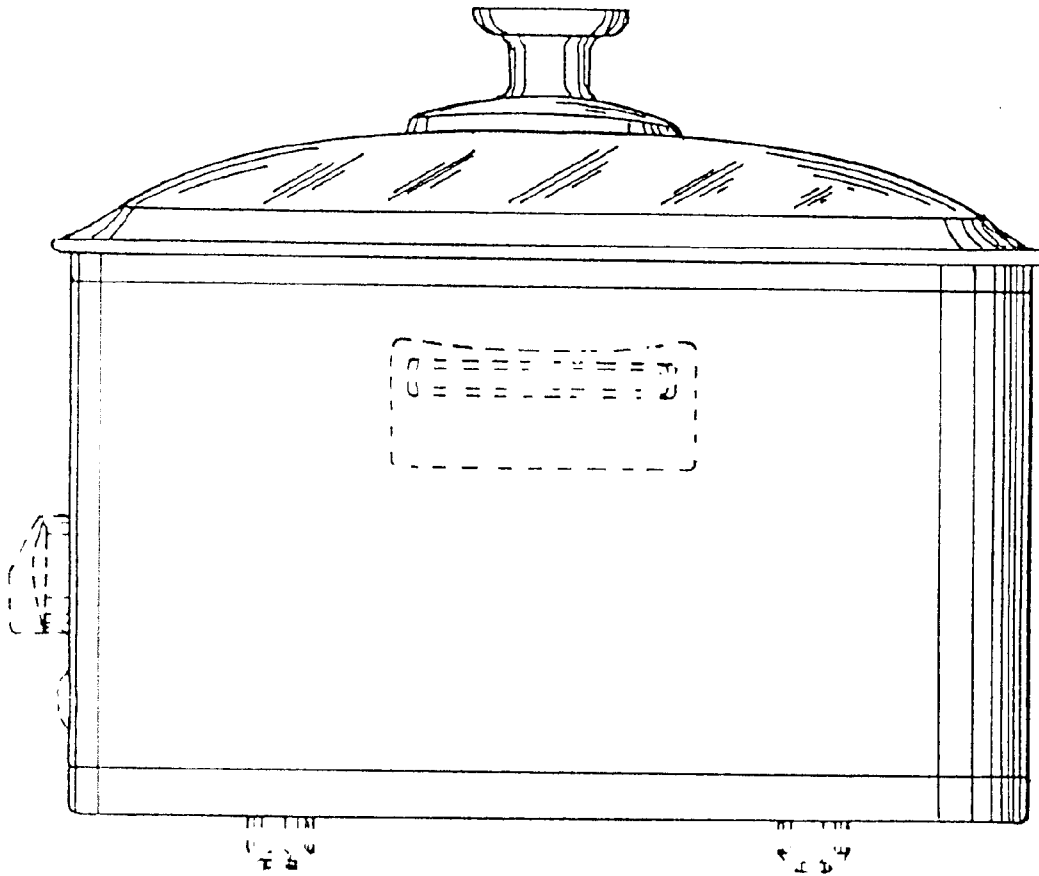
*Fig. 3*

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**Des. 434,266**



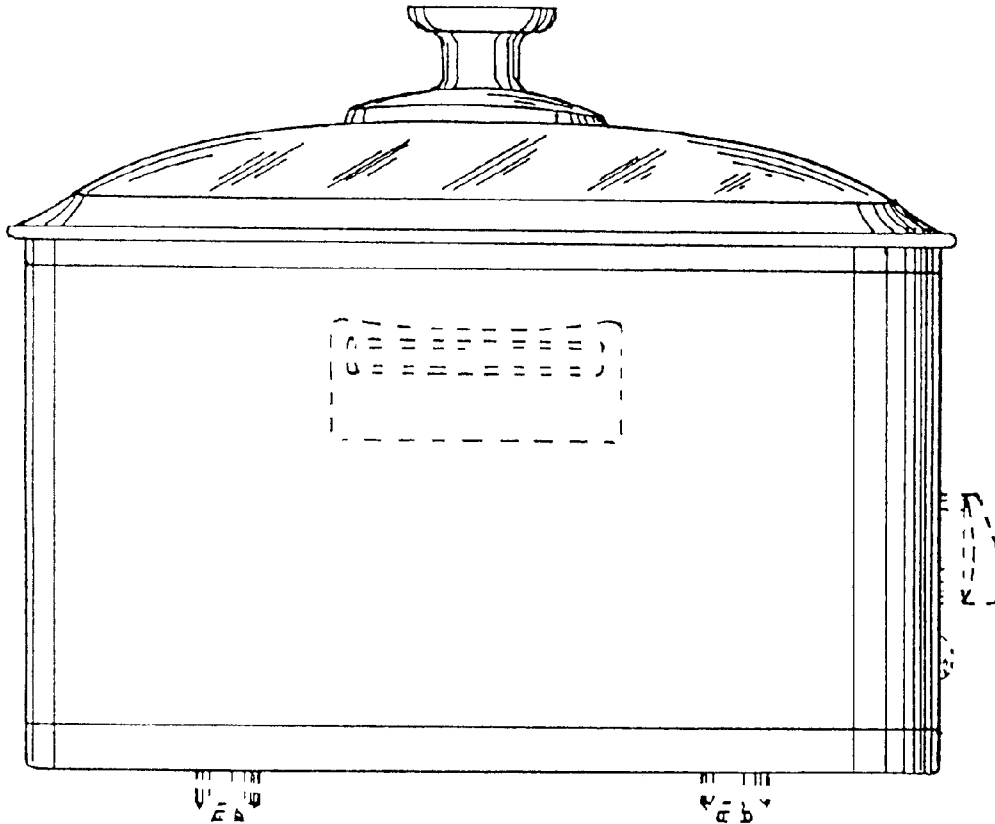
*Fig. 4*

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**Nov. 28, 2000**

**Sheet 5 of 7**

**Des. 434,266**



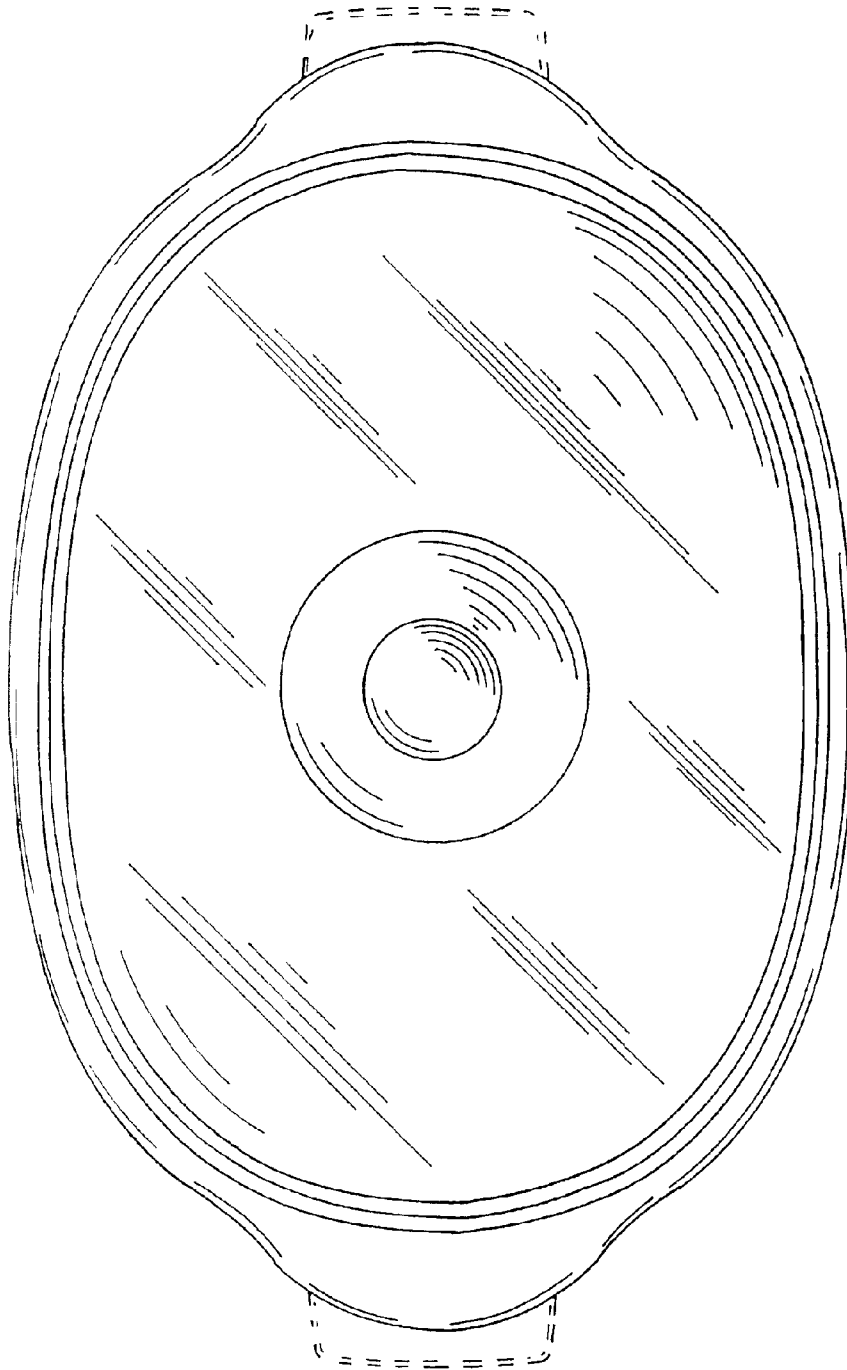
*Fig. 5*

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**Nov. 28, 2000**

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**Des. 434,266**



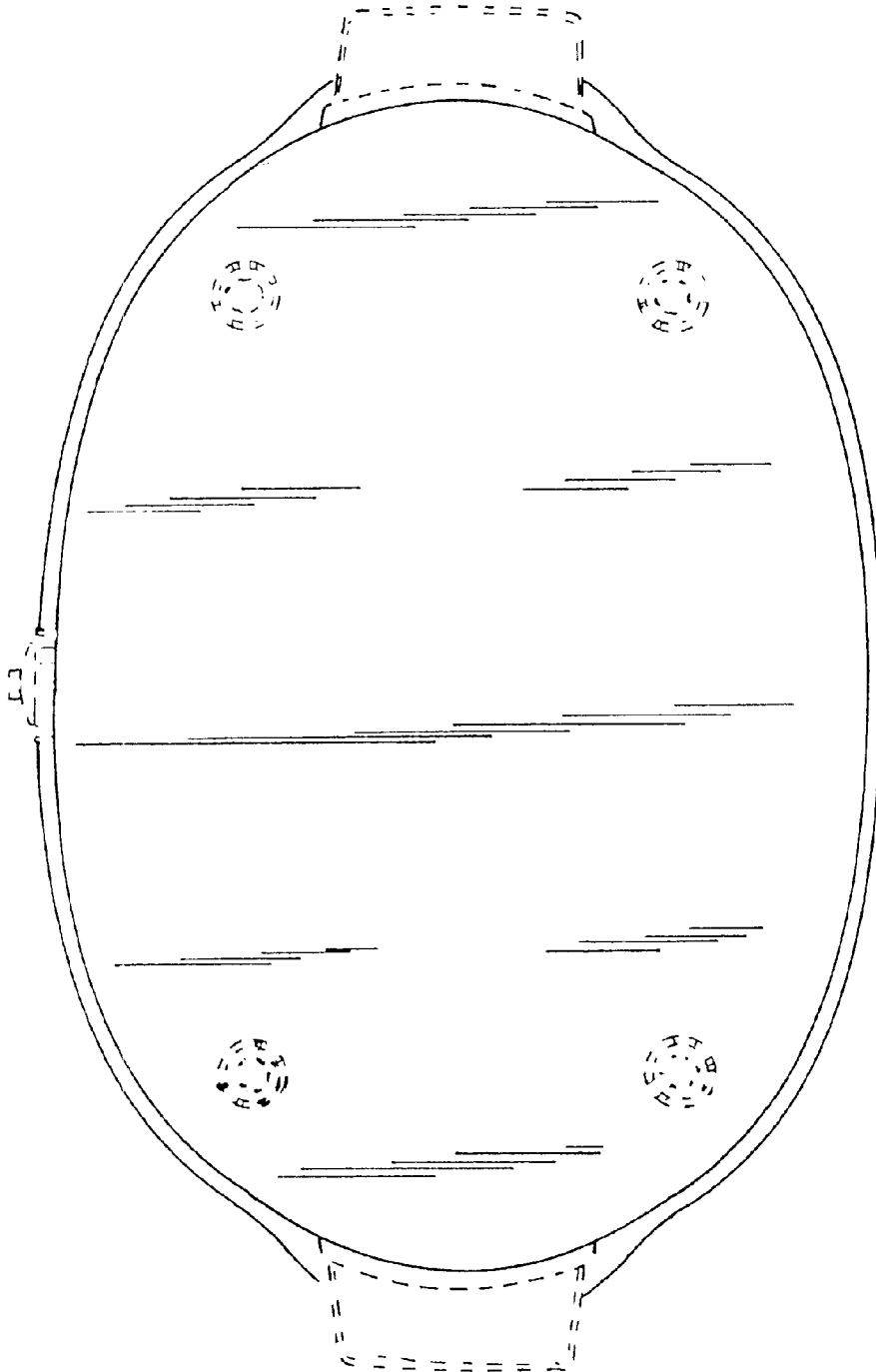
*Fig. 6*

**U.S. Patent**

**Nov. 28, 2000**

**Sheet 7 of 7**

**Des. 434,266**



*Fig. 7*

## **EXHIBIT B**



US00D444664S

(12) **United States Design Patent** (10) Patent No.: **US D444,664 S**  
**Dobson et al.** (45) Date of Patent: **\*\* Jul. 10, 2001**

(54) **COOKER**

D. 429,596 \* 8/2000 Hlava et al. .... D7/360

(75) Inventors: **William C. Dobson; Scott T. Pollnow,**  
both of West Bend, WI (US)

\* cited by examiner

(73) Assignee: **Premark WB Holdings, Inc.,**  
Wilmington, DE (US)*Primary Examiner*—Caron D. Veynar  
(74) *Attorney, Agent, or Firm*—Michael Best & Friedrich  
LLP

(\*) Notice: This patent is subject to a terminal disclaimer.

(57) **CLAIM**

The ornamental design for a cooker, as shown and described.

(\*\*) Term: **14 Years****DESCRIPTION**(21) Appl. No.: **29/120,882**

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

(22) Filed: **Mar. 28, 2000**

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

(51) **LOC (7) Cl.** ..... **07-02**(52) **U.S. Cl.** ..... **D7/354**(58) **Field of Search** ..... D7/323, 354-361;  
99/324, 325, 340, 347, 403, 413, 419, 410,  
411

FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

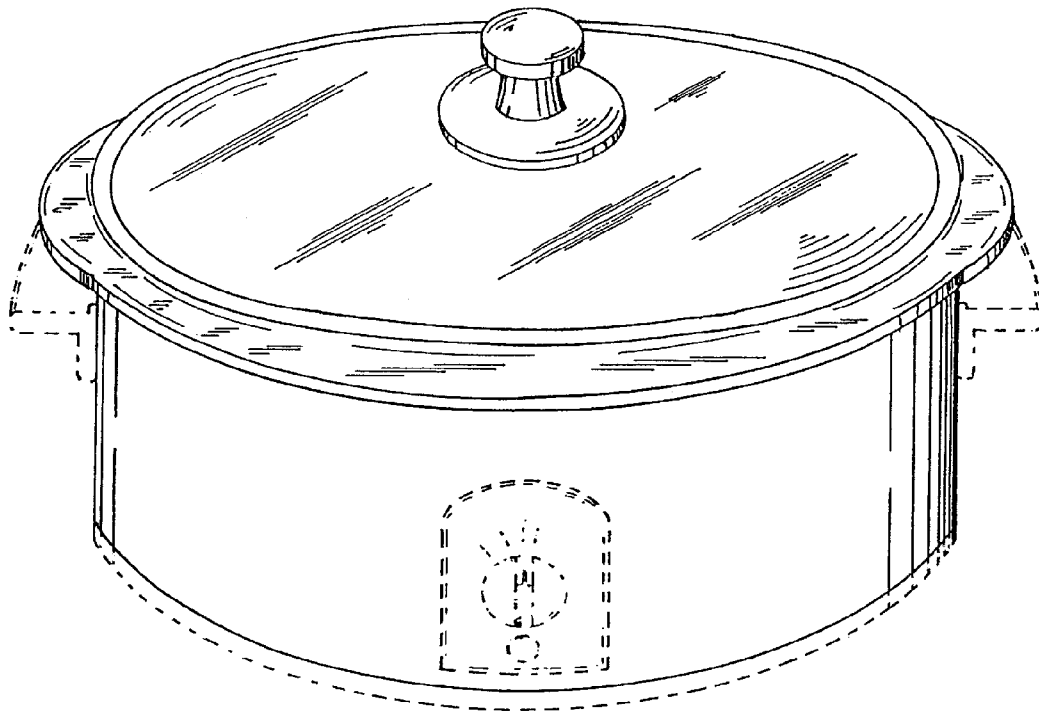
FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D. 104,914 \* 6/1937 Coss ..... D7/360  
D. 416,434 \* 11/1999 Pollnow ..... D7/360  
D. 420,246 \* 2/2000 Alonge et al. .... D7/360  
D. 425,360 \* 5/2000 Dobson et al. .... D7/360

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

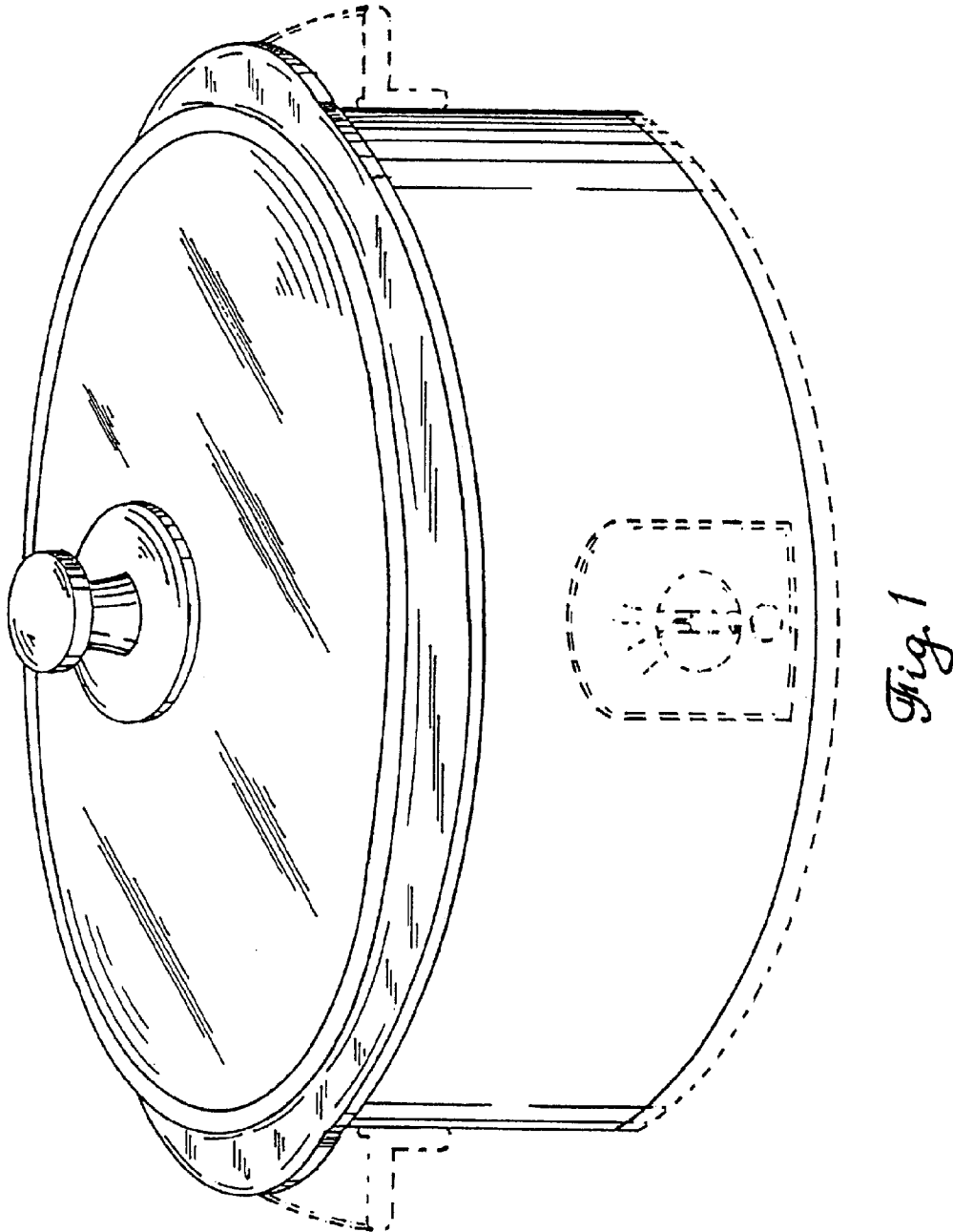
**1 Claim, 7 Drawing Sheets****EXHIBIT B**

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**Sheet 1 of 7**

**US D444,664 S**



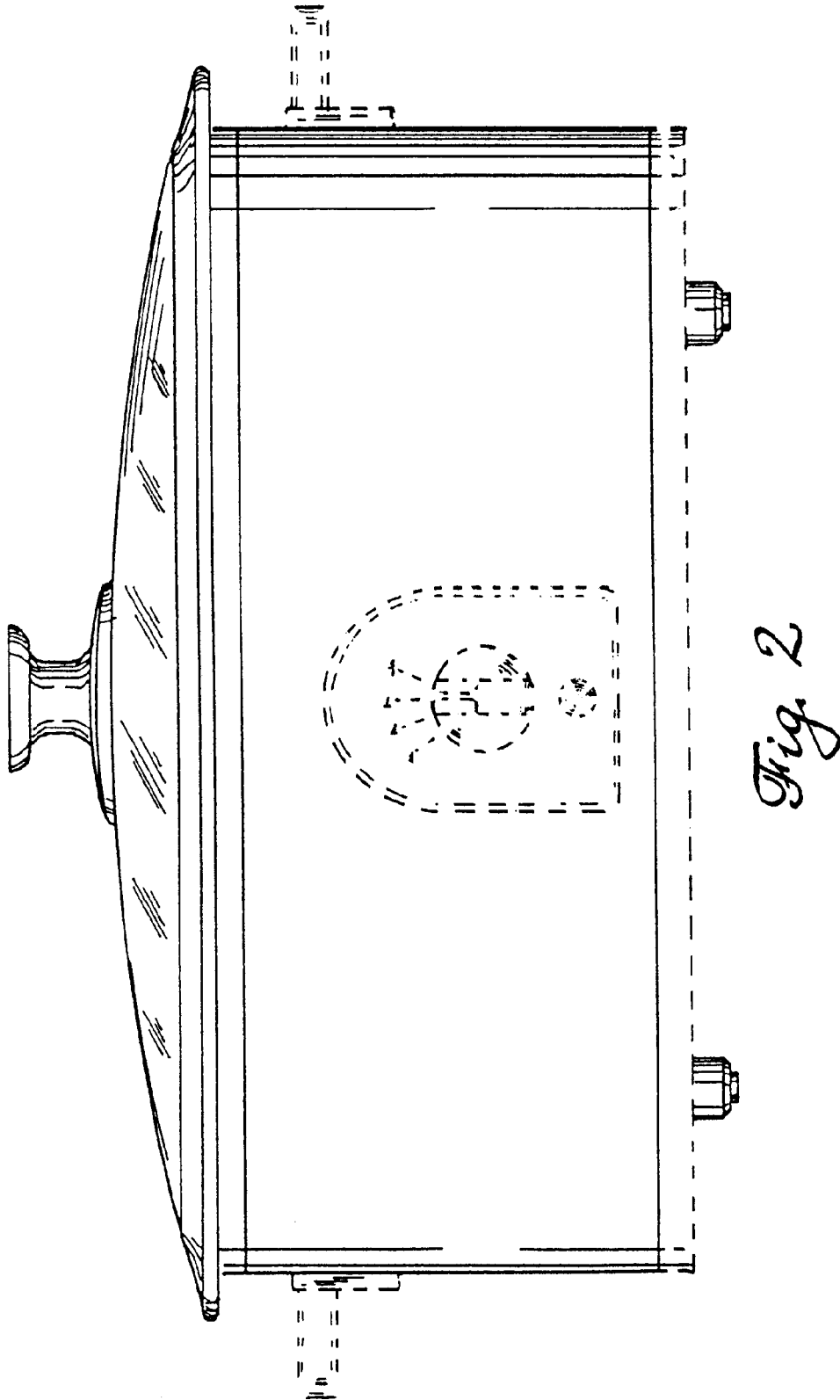


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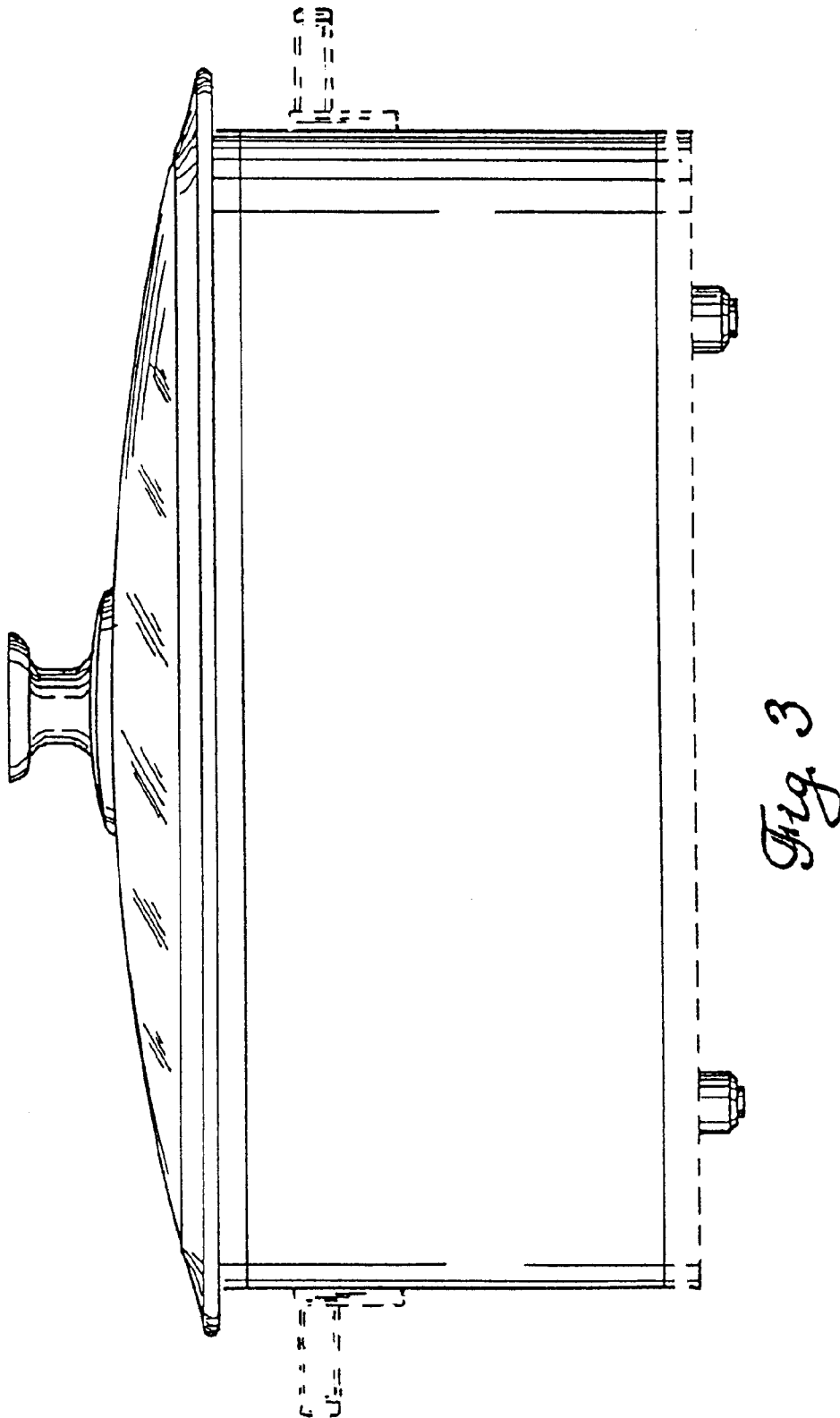


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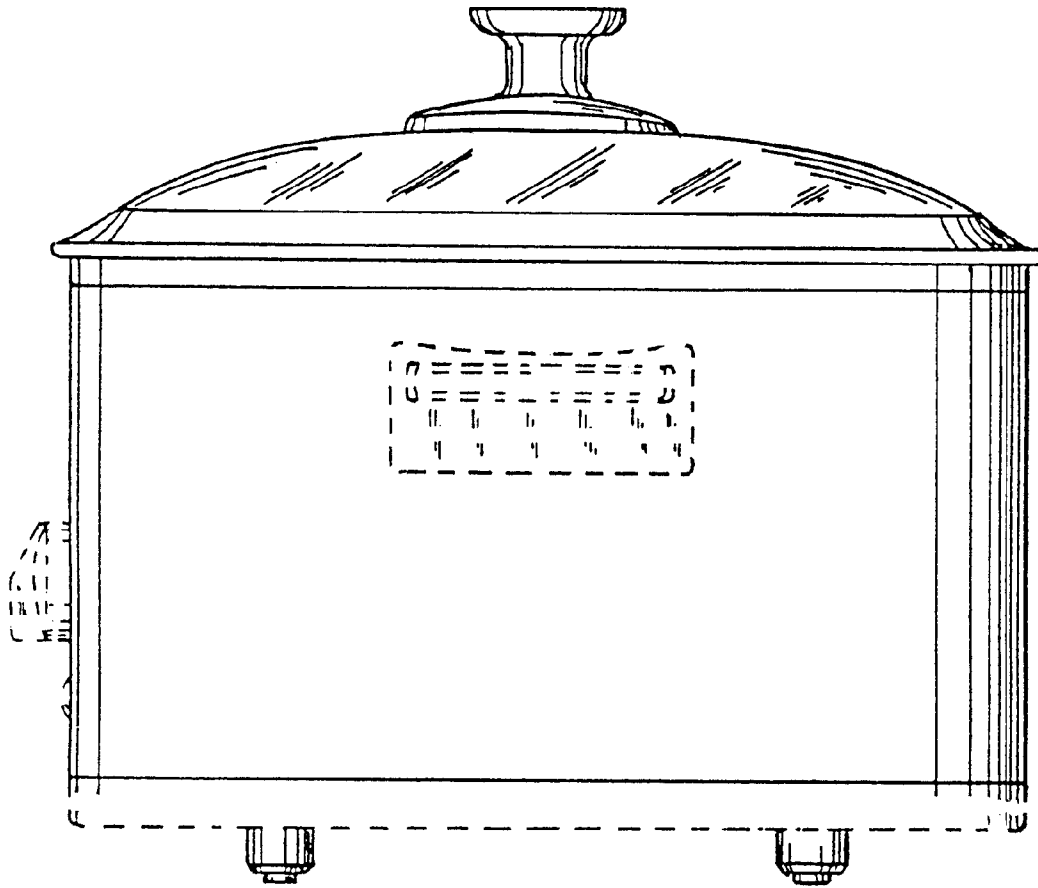


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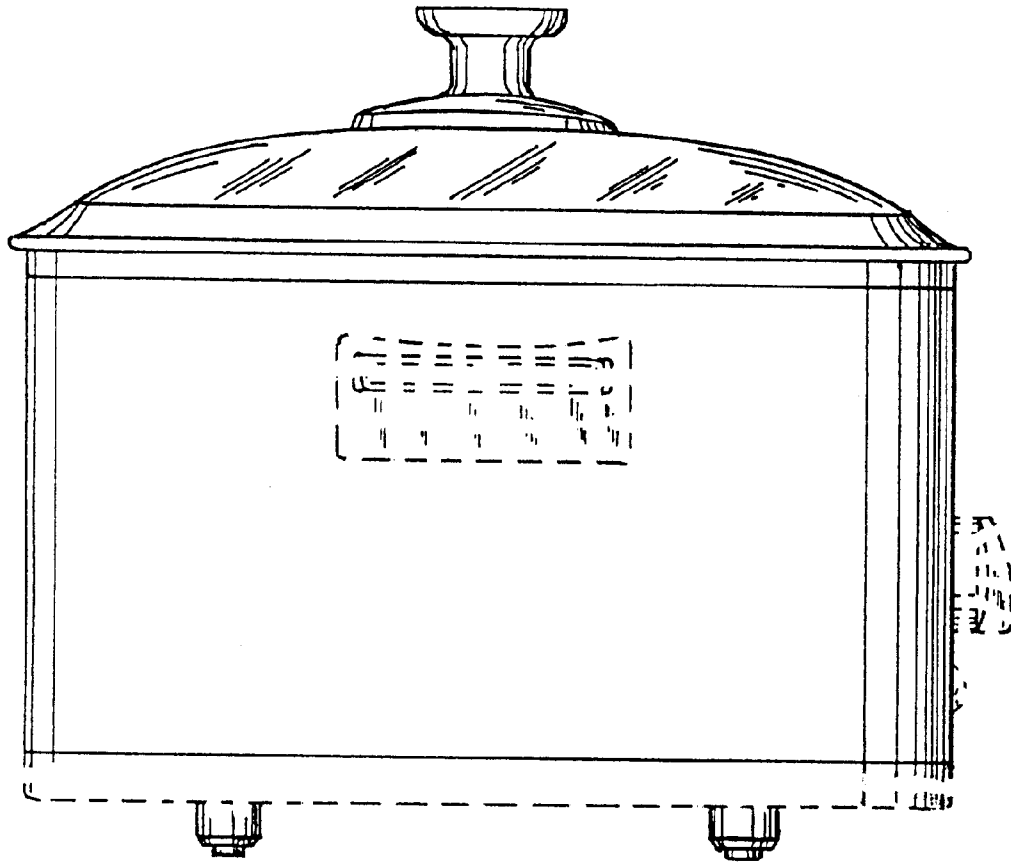
*Fig. 4*

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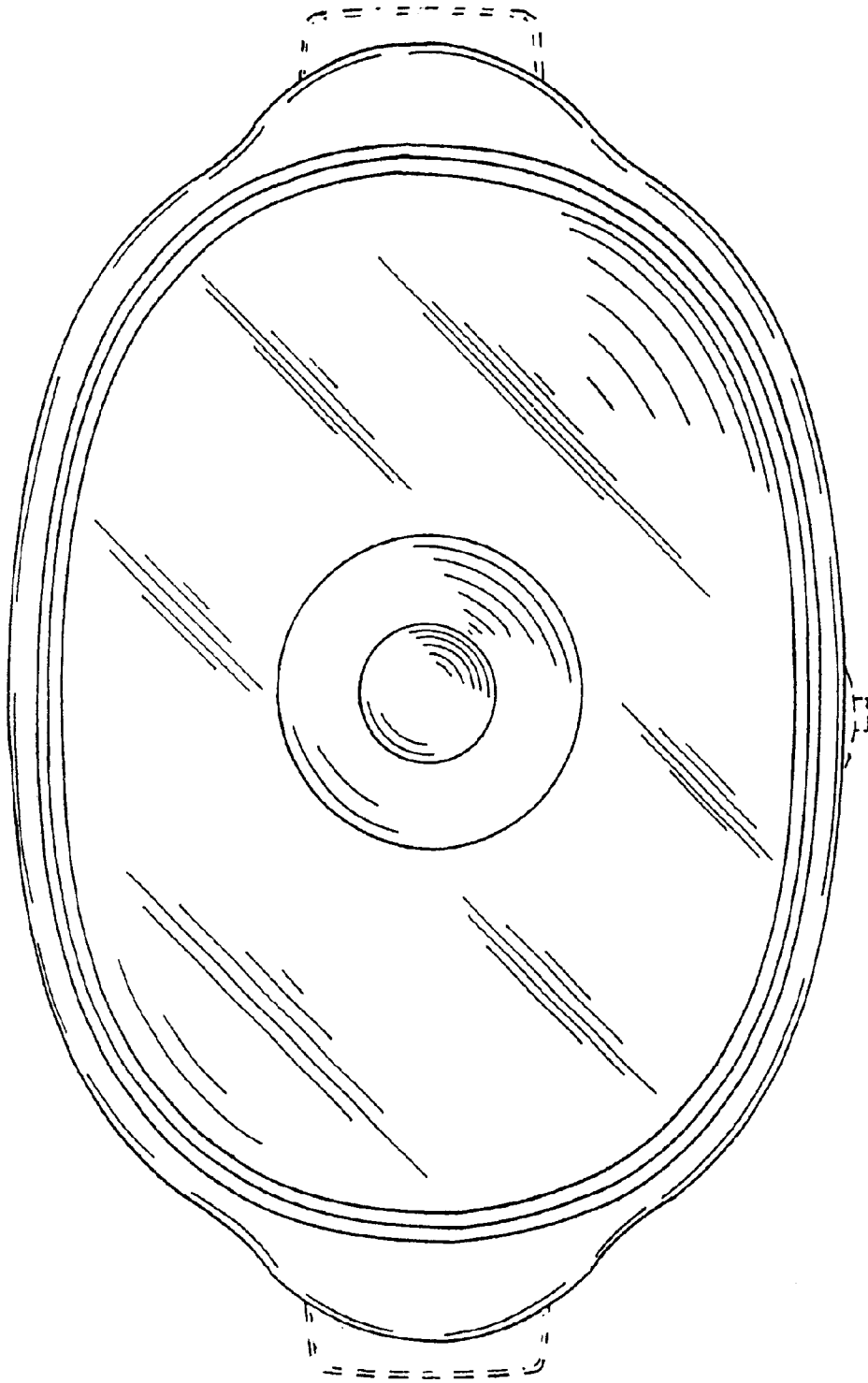
*Fig. 5*

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**US D444,664 S**



*Fig. 6*

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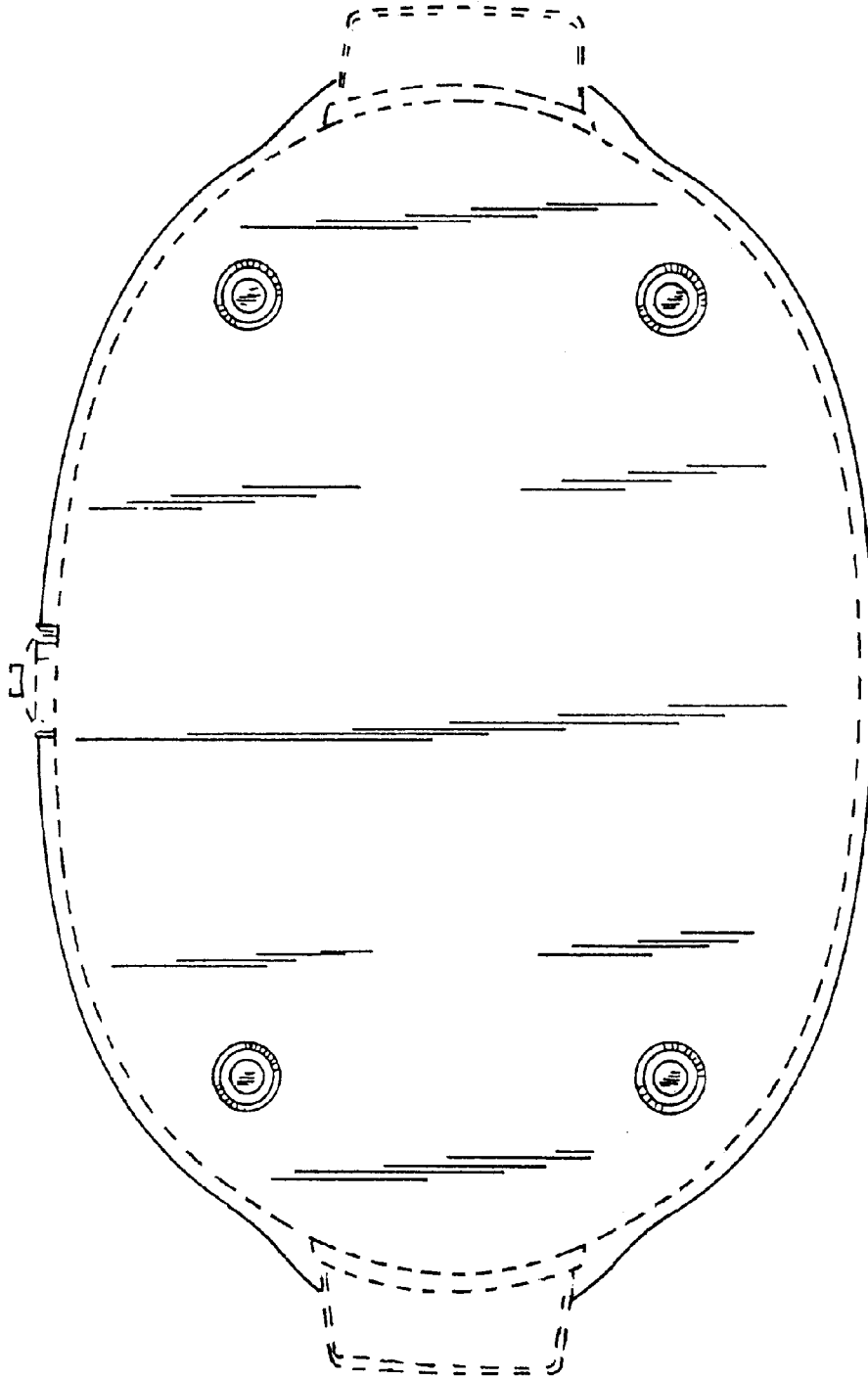


Fig. 7

## **EXHIBIT C**



US00D444993S

(12) **United States Design Patent** (10) **Patent No.:** **US D444,993 S**  
**Dobson et al.** (45) **Date of Patent:** **\*\* Jul. 17, 2001**

(54) **COOKER**

\* cited by examiner

(75) Inventors: **William C. Dobson; Scott T. Pollnow,**  
both of West Bend, WI (US)*Primary Examiner*—Caron D. Veynar  
(74) *Attorney, Agent, or Firm*—Michael Best & Friedrich LLP(73) Assignee: **Premark WB Holdings, Inc.,**  
Wilmington, DE (US)(57) **CLAIM**

(\*) Notice: This patent is subject to a terminal disclaimer.

The ornamental design for a cooker, as shown and described.

(\*\*) Term: **14 Years****DESCRIPTION**(21) Appl. No.: **29/120,883**

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

(22) Filed: **Mar. 28, 2000**

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

(51) **LOC (7) Cl.** ..... **07-02**

FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

(52) **U.S. Cl.** ..... **D7/354**(58) **Field of Search** ..... D7/323, 354-361;  
99/324, 325, 340, 347, 403, 413, 419, 410,  
411

FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

(56) **References Cited**

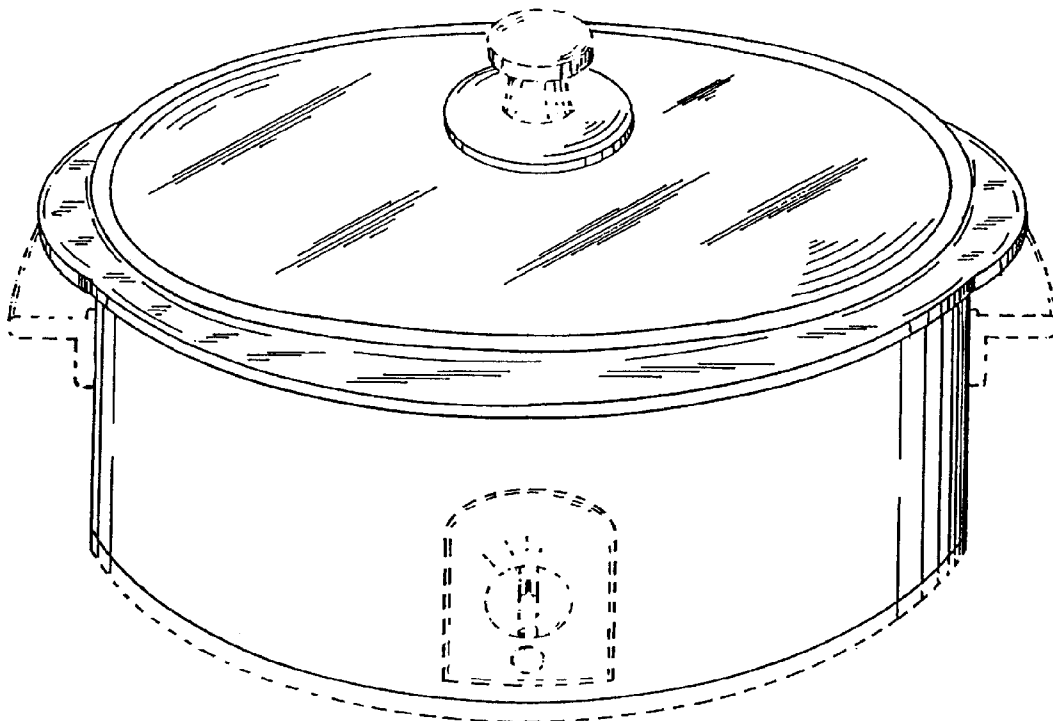
FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

**U.S. PATENT DOCUMENTS**

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

D. 104,914	*	6/1937	Coss	.....	D7/360
D. 416,434	*	11/1999	Pollnow	.....	D7/360
D. 420,246	*	2/2000	Alonge et al.	.....	D7/360
D. 425,360	*	5/2000	Dobson et al.	.....	D7/360
D. 429,596	*	8/2000	Hlava et al.	.....	D7/360

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets****EXHIBIT C**

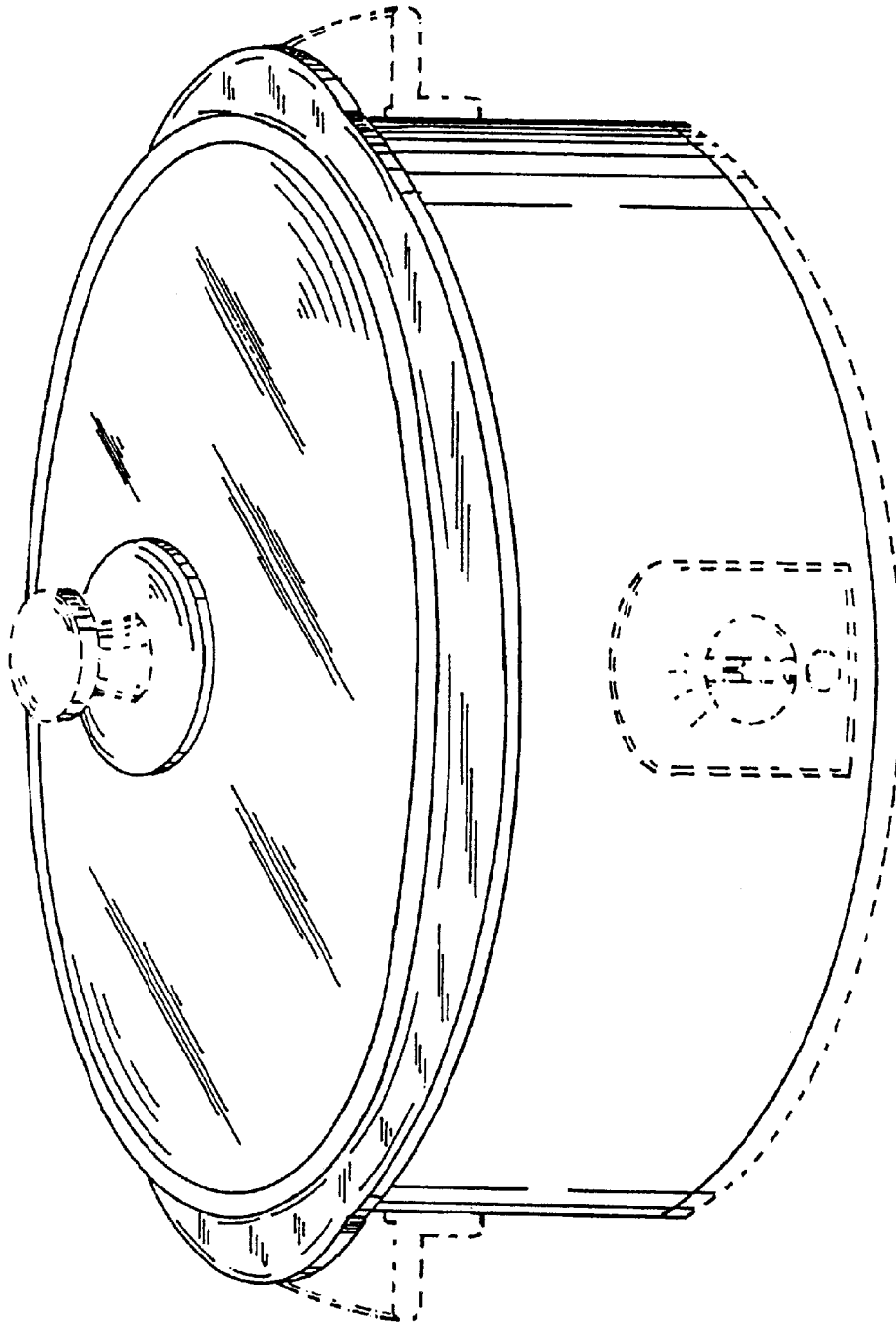


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**US D444,993 S**



*Fig. 1*

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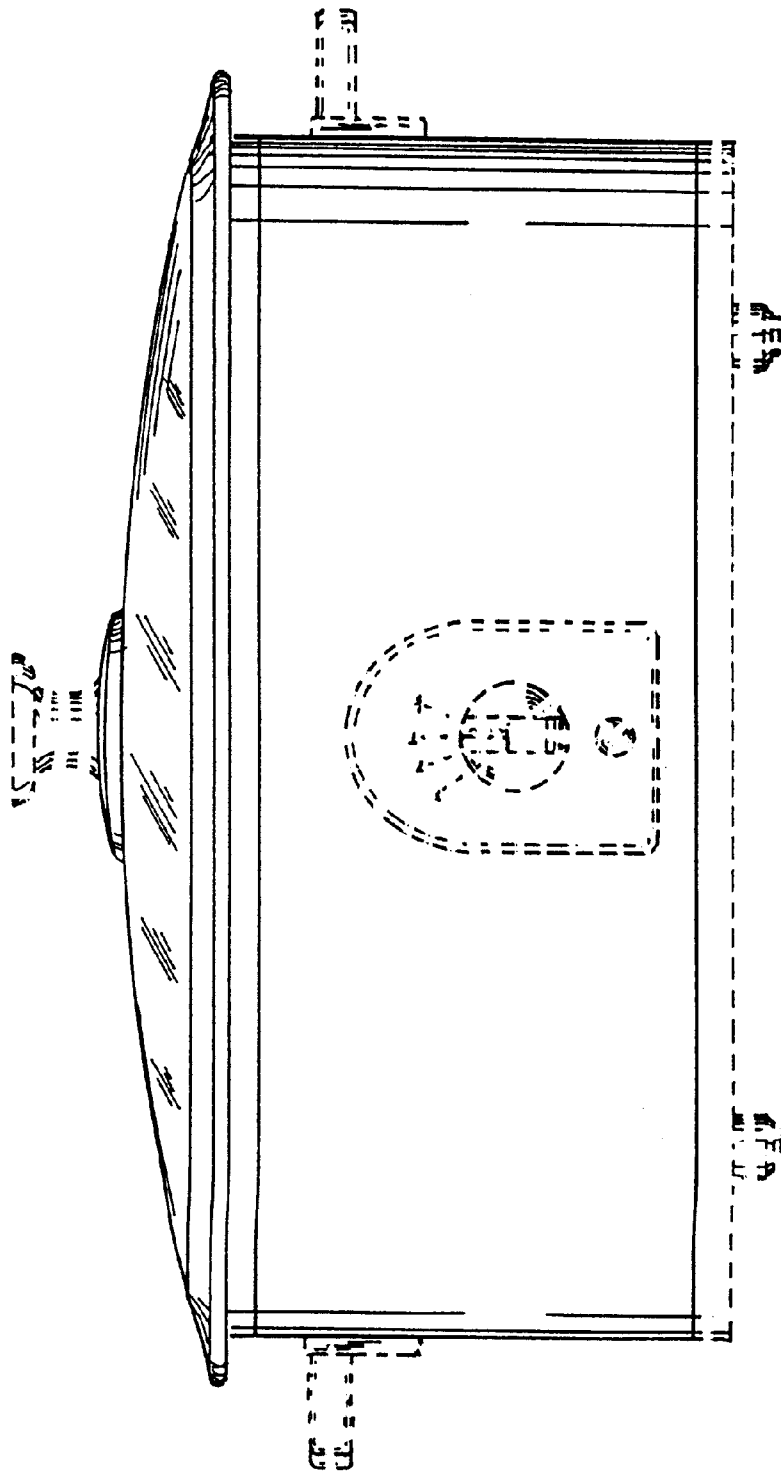


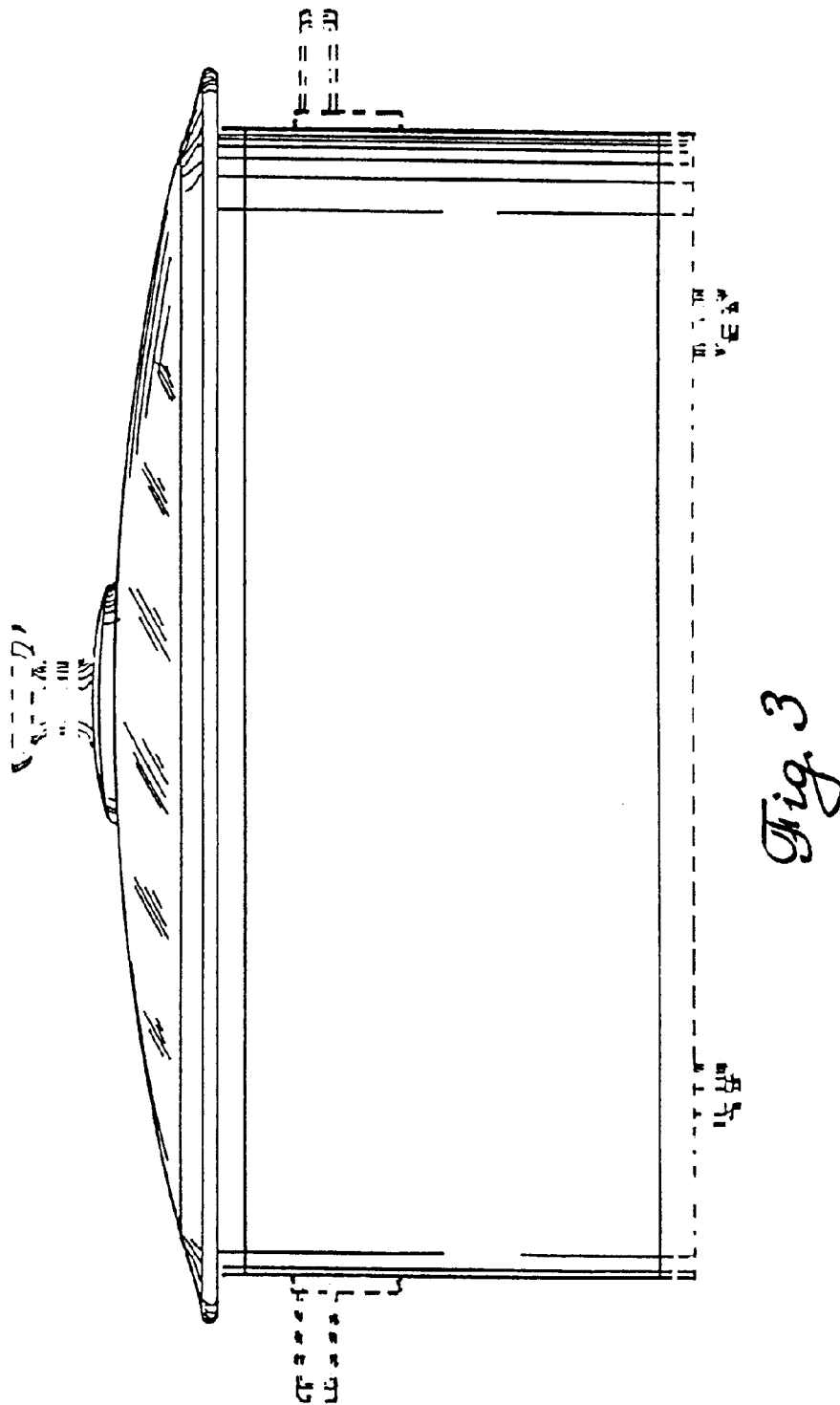
Fig. 2

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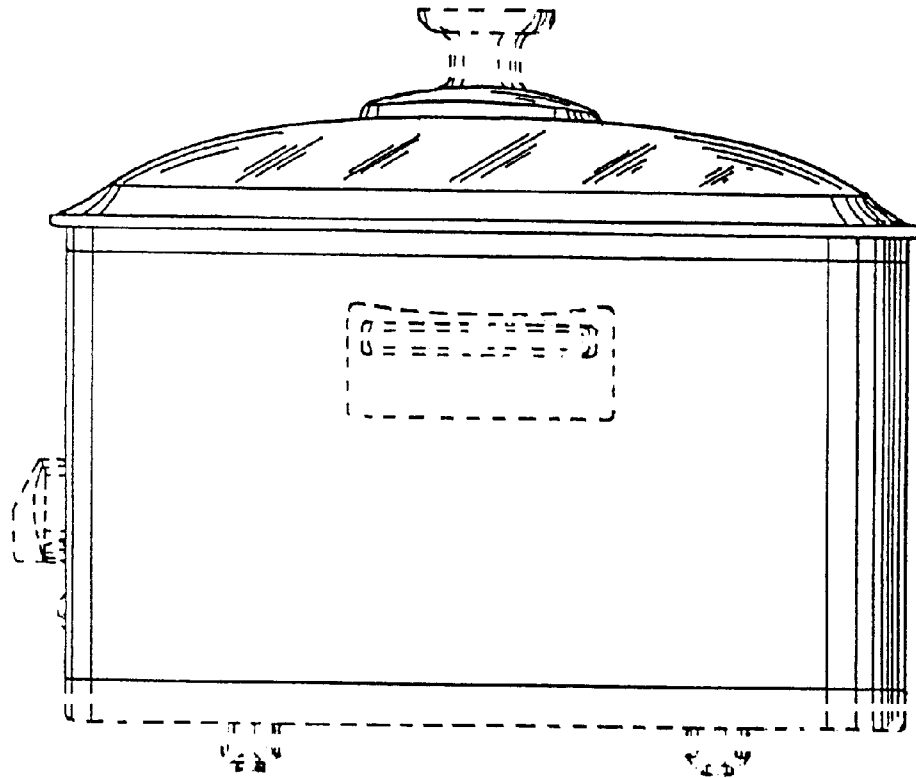


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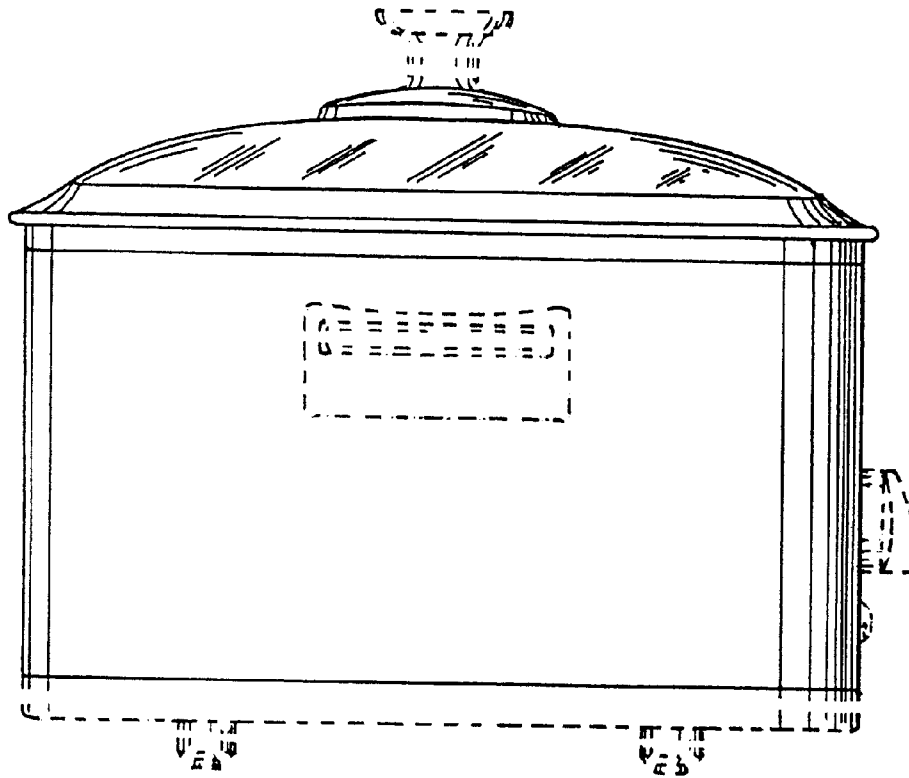
*Fig. 4*

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*Fig. 5*

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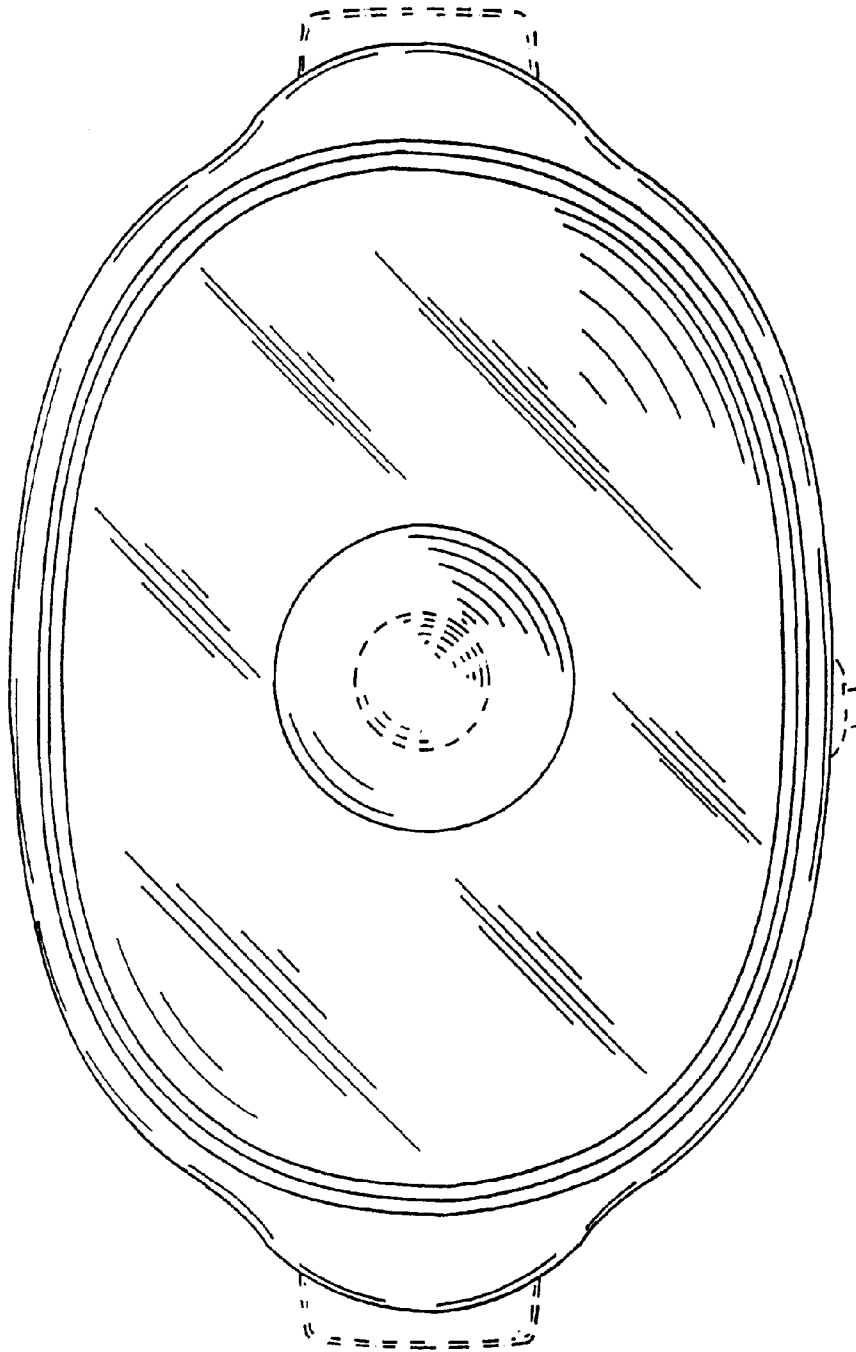


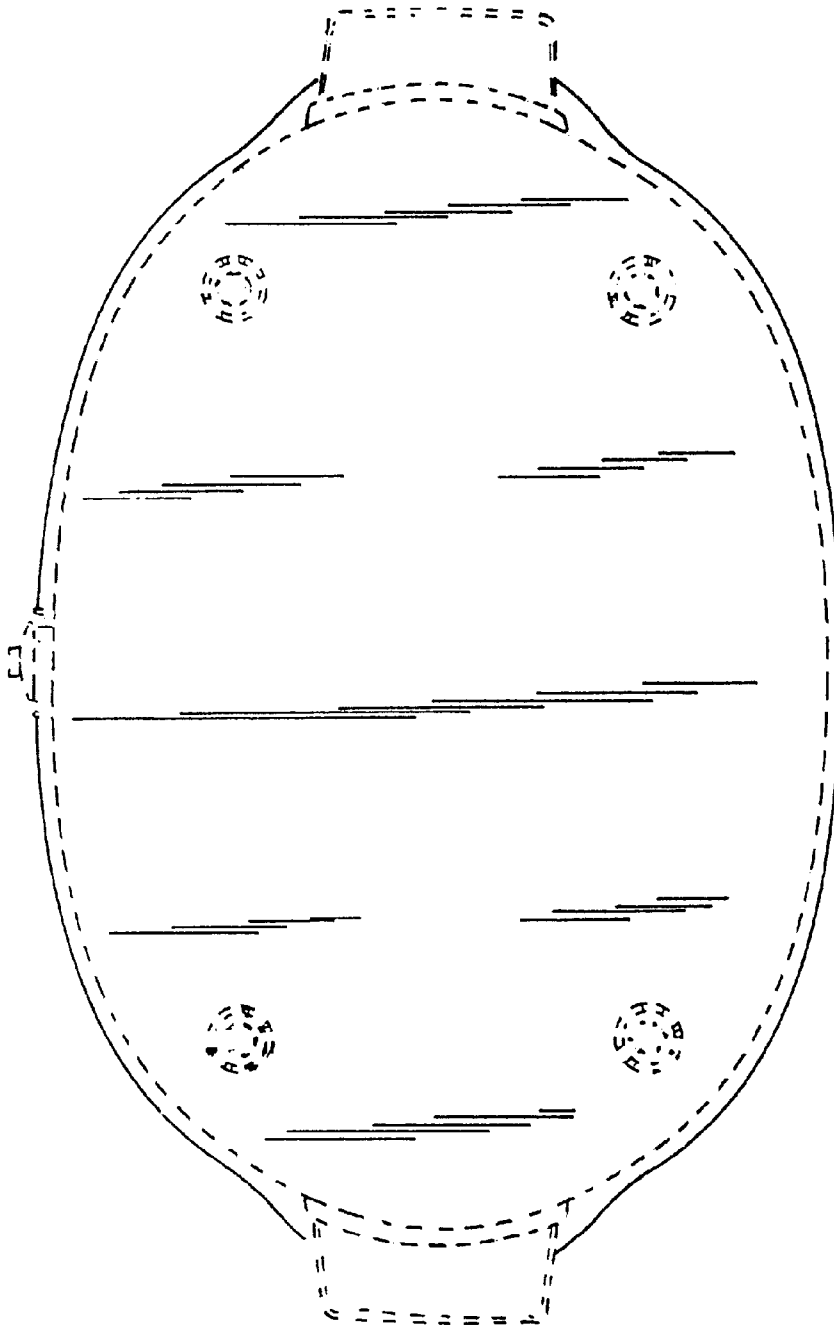
Fig. 6

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Jul. 17, 2001

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US D444,993 S



*Fig. 7*

## **EXHIBIT D - Part 1**



D7	354	ISSUE CLASSIFICATION
	Class Subclass	

JM

D434266

DESIGN  
SERIAL  
NUMBER

PATENT DATE

NOV 28 2000

PATENT  
NUMBER

D434266

CLASS D7	SUBCLASS 354	O.I.P.E. SCANNED <i>Q.A. AG</i>	ART UNIT 2913	EXAMINER Veynar
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TITLE OF INVENTION (FOR DESIGN APPLICATION ONLY):

<input type="checkbox"/> TERMINAL DISCLAIMER	<input type="checkbox"/> The term of this patent subsequent to _____ (date) has been disclaimed.	<input type="checkbox"/> The term of this patent shall not extend beyond the expiration date of Pat. No. _____	<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed.
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## ISSUING CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)			
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)		
D7	354				
INTERNATIONAL CLASSIFICATION					
	07/02				

☐ Continued on Issue Slip Inside File JacketForm PTO-2009  
(Rev. 4-97)

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PARTS OF APPLICATION  
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## NOTICE OF ALLOWANCE MAILED

## ISSUE FEE

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Date Paid

430-00

9/25/00

Label  
Area

Assistant Examiner

Caron D. Veynar

CARON D. VEYNAR  
PRIMARY EXAMINER  
GROUP 2900

Primary Examiner

PREPARED FOR ISSUE

Applications Examiner

6/20/00

## DRAWING

Sheets Drwg.

Figs. Drwg.

Print Fig.

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BATCH  
NUMBER

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**DESIGN**



29120985



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Date  
Entered  
or  
Counted

# **CONTENTS**

Date  
Received  
or  
Mailed

*7*

1. Application \_\_\_\_\_ papers.

*6/19=*

2. *Examiners Amendment 9*

*6/20/00*

3. *Notice Allowance*

*6/20/00*

*9/29/00*

4. *FORMAL DRWGS (7shs)*

*9/25/00*

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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

04/03/2000 YGIZAW 00000144 29120985  
01 FC:106 310.00 OP

file:///c:/APPS/preexam/correspondence/1.htm



Bib Data Sheet



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

<b>SERIAL NUMBER</b> 29/120,985	<b>FILING DATE</b> 03/28/2000 <b>RULE</b> -	<b>CLASS</b> -D11 07	<b>GROUP ART UNIT</b> 2900	<b>ATTORNEY DOCKET NO.</b> 95372-9174-00	
<b>APPLICANTS</b> William C. Dobson, West Bend, WI ; Scott T. Pollnow, West Bend, WI ;					
<b>** CONTINUING DATA *****</b> cov THIS APPLICATION IS A CON OF 29/097,446 12/07/1998 <b>D425,360</b>					
<b>** FOREIGN APPLICATIONS *****</b> none cov					
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b> <b>** 04/25/2000</b>					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		<b>STATE OR COUNTRY</b> WI	<b>SHEETS DRAWING</b> 7	<b>TOTAL CLAIMS</b> 1	<b>INDEPENDENT CLAIMS</b> 1
35 USC 119 (a-d) conditions met <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance					
Verified and Acknowledged <i>Caron D. Veyna</i> Examiner's Signature Initials					
<b>ADDRESS</b> Gerald L Fellows Michael Best & Friedrich LLP 100 East Wisconsin Avenue Milwaukee, WI 53202					
<b>TITLE</b> Cooker					
<b>FILING FEE RECEIVED</b> 310	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

03-29-00

A/DES

03/28/00  
 JC712 U.S. PTO

DESIGN PATENT APPLICATION TRANSMITTAL	Attorney Docket No.	95372-9174-00
	First Named Inventor	
	William C. Dobson	
	Express Mail Label No.	EL402998347US

Assistant Commissioner for Patents  
 BOX DESIGNS  
 Washington, D.C. 20231

JC542 U.S. PTO  
 29/120985  
 03/28/00

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
 1941 Frontier Court  
 West Bend, WI 53095

Scott T. Pollnow  
 1608 Beverly Lane  
 West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
 Drawings - 7 sheets  
 Declaration and Power of Attorney  
 Assignment to Premark WB Holdings, Inc.  
 Check No. 104440 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.


The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.



Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

  
\_\_\_\_\_  
Gerald L. Fellows  
Reg. No. 36,133

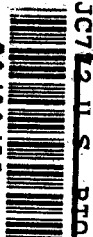
Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

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03-29-00

A/DES

03/28/00



DESIGN PATENT APPLICATION TRANSMITTAL	Attorney Docket No.	95372-9174-00
	First Named Inventor	
	William C. Dobson	
	Express Mail Label No.	EL402998347US

Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

jc542 U.S. PTO  
29/120985  
03/28/00

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104440 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.

The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald L. Fellows", written over a horizontal line.

Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF



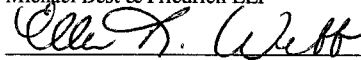
**PATENT**

**Attorney Docket No. 95372-9174**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail No. EL402998347US in an envelope addressed to: Box Patent Applications, Assistant Commissioner for Patents, Washington, D.C. 20231 on March 28, 2000.

Date: March 28, 2000

Michael Best & Friedrich LLP

  
Ellen R. Webb

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**SPECIFICATION AND CLAIM OF DESIGN PATENT APPLICATION**

(a) We, William C. Dobson and Scott T. Pollnow

have invented a design for a COOKER

(b) A description of each of the figures is as follows:

FIG. 1 is a perspective view of a COOKER constructed in accordance with one preferred embodiment of the invention;

FIG. 2 is an elevation view of the front of the COOKER shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the COOKER shown in FIGS. 1 and 2;

FIG. 4 is an elevation view of the right of the COOKER shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the COOKER shown in FIGS. 1, 2, 3 and 4;

FIG. 6 is a top plan view of the COOKER shown in FIGS. 1, 2, 3, 4 and 5;

FIG. 7 is a bottom plan view of the COOKER shown in FIGS. 1, 2, 3, 4, 5 and 6.

We claim:

The ornamental design for a COOKER as shown and described.

Application/Control Number: 29/120,985

Page 2

Art Unit: 2913

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The drawings are objected to by the examiner for poor line quality in Figs. 1 - 7. The lines are rough, blurred and not a uniform thickness.

Corrected formal drawings are now required.

3. Since the applicant considers this application a continuation application the following statement has been entered before the figure descriptions:

a<sup>1</sup> This application is a continuation of application number 29/097,446, filed 12/7/1998, Patent No. D425,360. ~~to~~

4. In view of the broken lines the following statement has been added after the figure descriptions: ~~--~~ The broken line showings in Figs. 1 - 7 are for illustrative purposes only and form no part of the claimed design. ~~it~~

a<sup>2</sup>

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Caron Veynar, whose telephone number is (703) 305-3162. the examiner can normally be reached on Monday - Thursday from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris Coles, can be reached at (703) 305-3107. The FAX phone number for this group is (703) 308-2742.

2

11-Mar-99 10:53am From-MICHAEL B

+4142770656

T-742 P.02/05 F-364

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on an ornamental design for a "COOKER" (Attorney Docket No. 95372/9059), the specification of which was filed on December 7, 1998, and bears serial No. 29/097,446.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint JOSEPH A. GEMIGNANI, (Reg. No. 19,482), ROBERT E. CLEMENCY (Reg. No. 19,287), DAVID B. SMITH (Reg. No. 27,595), GLENN A. BUSE (Reg. No. 24,217), FRED WIVIOTT (Reg. No. 19,158), DAVID R. PRICE (Reg. No. 31,557), BAYARD H. MICHAEL (Reg. No. 15,974), CASIMIR F. LASKA (Reg. No. 30,862), DAVID L. DEBRUIN (Reg. No. 35,489), TIMOTHY M. KELLEY (Reg. No. 34,201), BILLIE JEAN STRANDT (Reg. No. 36,940), THOMAS A. MILLER (Reg. No. 36,871), KEVIN P. MORAN (Reg. No. 37,193), GERALD L. FELLOWS (Reg. No. 36,133), EDWARD R. LAWSON (Reg. No. 41,931), JAMES A. COLLINS (Reg. No. P-43,557), DANIEL S. JONES (Reg. No. 42,697), ANDREW R. PERET (Reg. No. 41,246), RANDALL W. FIELDHACK (Reg. No. P-43,611), CHRISTOPHER B. AUSTIN (Reg. No. 41,592), GRADY J. FRENCHICK (Reg. No. 29,018), TERESA J. WELCH (Reg. No. 33,049), LINDA BLAIR MEIER (Reg. No. 39,769), PAUL F. DONOVAN (Reg. No. 39,962) and KAREN B. KING (Reg. No. 41,898), Michael Best & Friedrich LLP; and ROBERT S. BEISER (Reg. No. 28,687) and WITOLD Z. ZIARNO (Reg. No. 39,888), Michael Best & Friedrich (Illinois), and each or any of them, my attorneys or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

11-Mar-99 10:54am From-MICHAEL

+4142770656

T-742 P.03/05 F-364

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: William C. Dobson

Inventor's signature William C. Dobson 3/11/99  
Date

Residence: West Bend, WI  
Citizenship: United States  
Post Office Address: 1941 Frontier Court  
West Bend, WI 53095

Full name of second joint inventor: Scott T. Pollnow

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: West Bend, WI  
Citizenship: United States  
Post Office Address: 1608 Beverly Lane  
West Bend, WI 53090

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on an ornamental design for a "COOKER" (Attorney Docket No. 95372/9059), the specification of which was filed on December 7, 1998, and bears serial No. 29/097,446.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint JOSEPH A. GEMIGNANI, (Reg. No. 19,482), ROBERT E. CLEMENCY (Reg. No. 19,287), DAVID B. SMITH (Reg. No. 27,595), GLENN A. BUSE (Reg. No. 24,217), FRED WIVIOTT (Reg. No. 19,158), DAVID R. PRICE (Reg. No. 31,557), BAYARD H. MICHAEL (Reg. No. 15,974), CASIMIR F. LASKA (Reg. No. 30,862), DAVID L. DEBRUIN (Reg. No. 35,489), TIMOTHY M. KELLEY (Reg. No. 34,201), BILLIE JEAN STRANDT (Reg. No. 36,940), THOMAS A. MILLER (Reg. No. 36,871), KEVIN P. MORAN (Reg. No. 37,193), GERALD L. FELLOWS (Reg. No. 36,133), EDWARD R. LAWSON (Reg. No. 41,931), JAMES A. COLLINS (Reg. No. P-43,557), DANIEL S. JONES (Reg. No. 42,697), ANDREW R. PERET (Reg. No. 41,246), RANDALL W. FIELDHACK (Reg. No. P-43,611), CHRISTOPHER B. AUSTIN (Reg. No. 41,592), GRADY J. FRENCHICK (Reg. No. 29,018), TERESA J. WELCH (Reg. No. 33,049), LINDA BLAIR MEIER (Reg. No. 39,769), PAUL F. DONOVAN (Reg. No. 39,962) and KAREN E. KING (Reg. No. 41,898), Michael Best & Friedrich LLP; and ROBERT S. BEISER (Reg. No. 28,687) and WITOLD Z. ZIARNO (Reg. No. 39,888), Michael Best & Friedrich (Illinois), and each or any of them, my attorneys or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: William C. Dobson

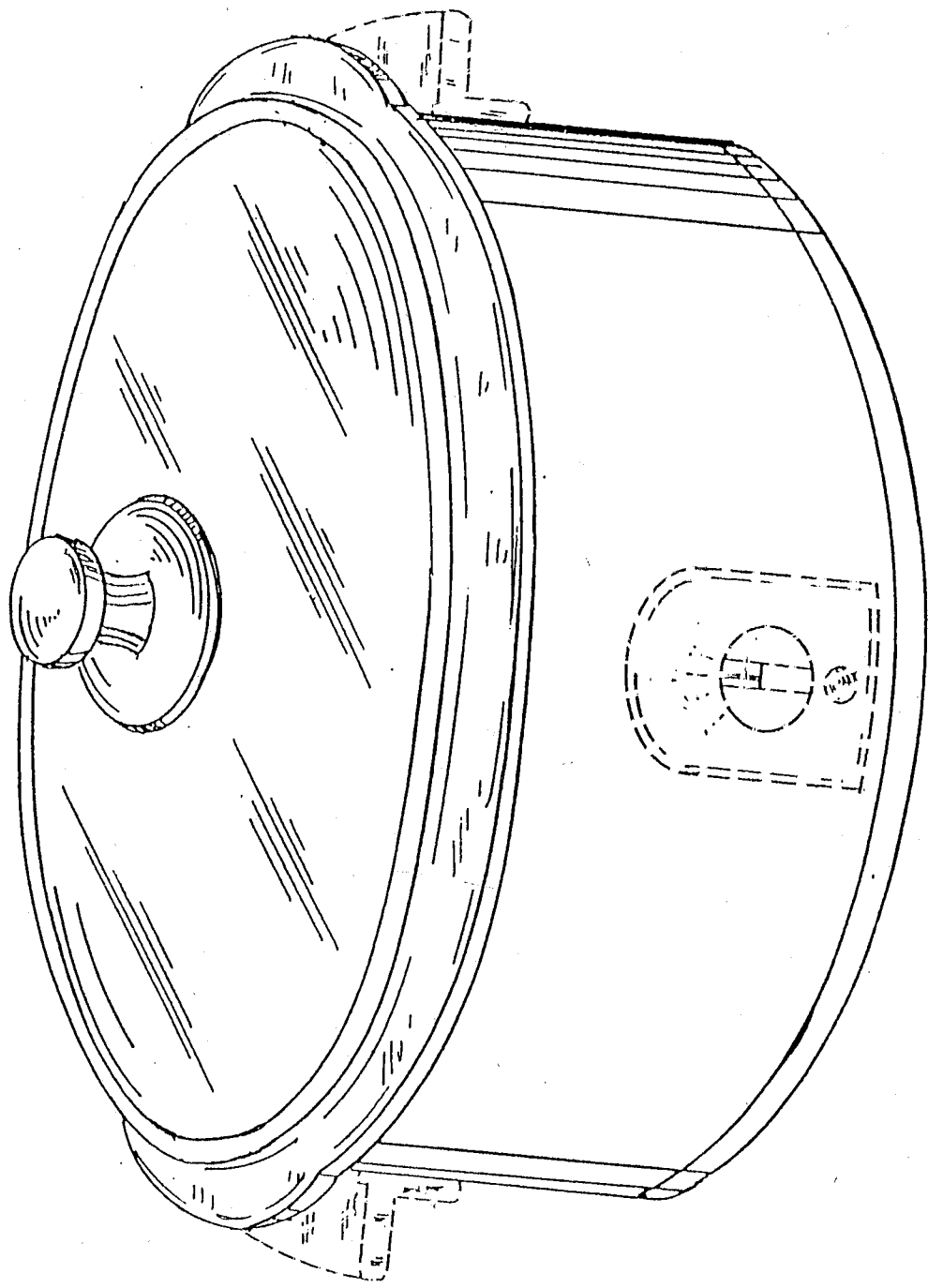
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: West Bend, WI  
Citizenship: United States  
Post Office Address: 1941 Frontier Court  
West Bend, WI 53095

Full name of second joint inventor: Scott T. Pollnow

Inventor's signature Scott T. Pollnow 3/12/99  
Date

Residence: West Bend, WI  
Citizenship: United States  
Post Office Address: 1608 Beverly Lane  
West Bend, WI 53090



*Fig. 1*

20120955-032800

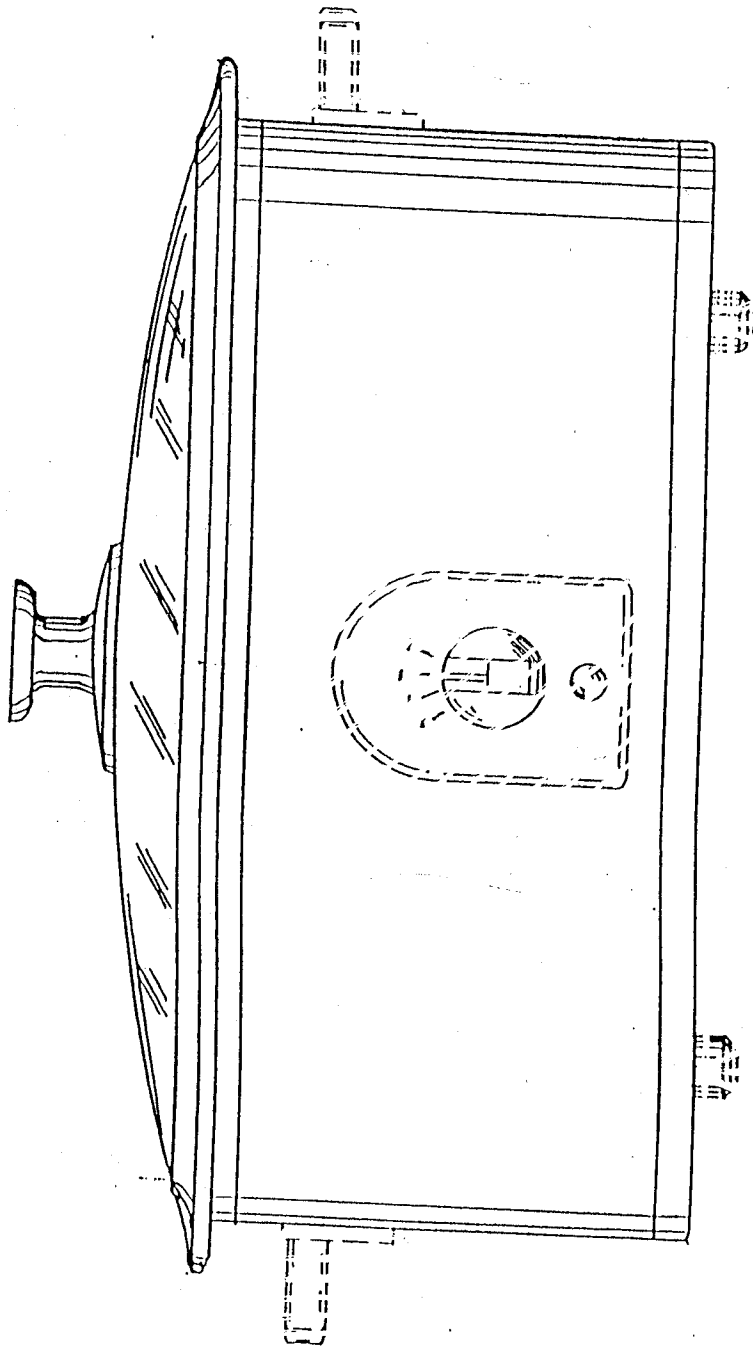


Fig. 2.

20120925 092500



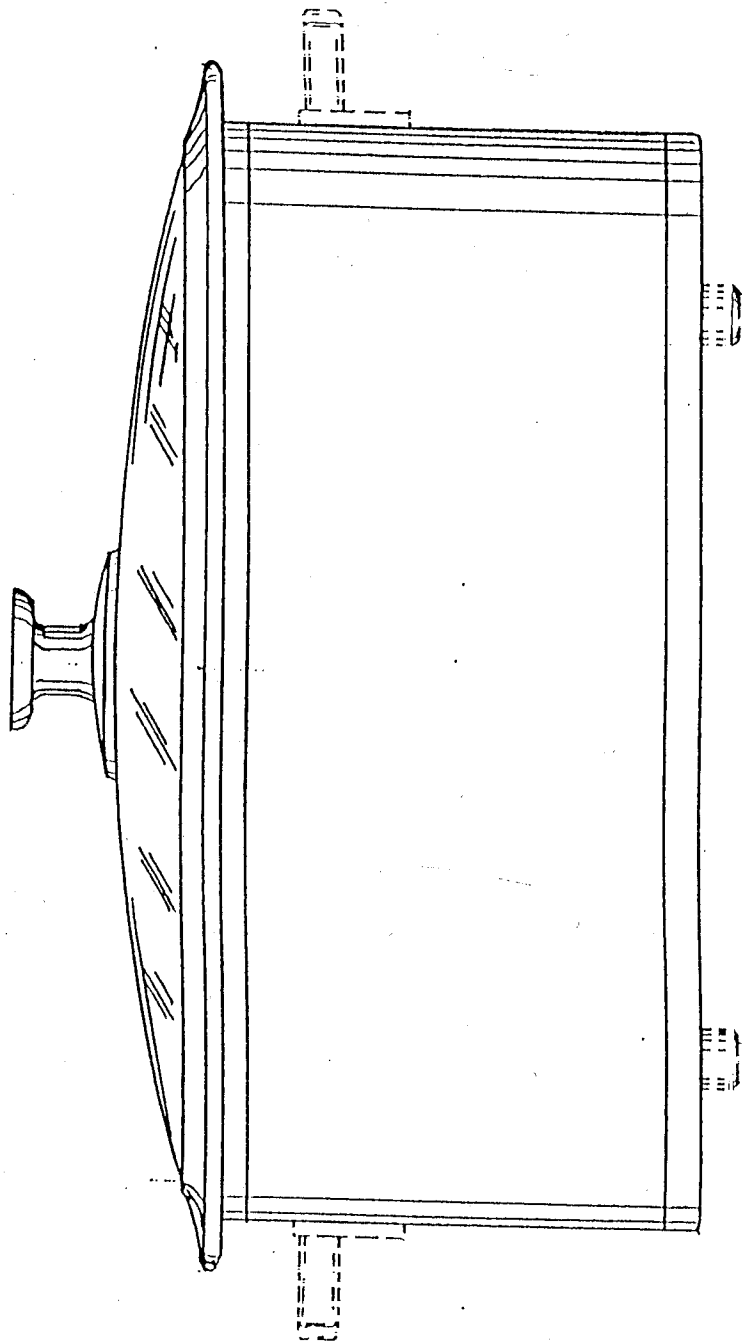


Fig. 3

2005-03-20







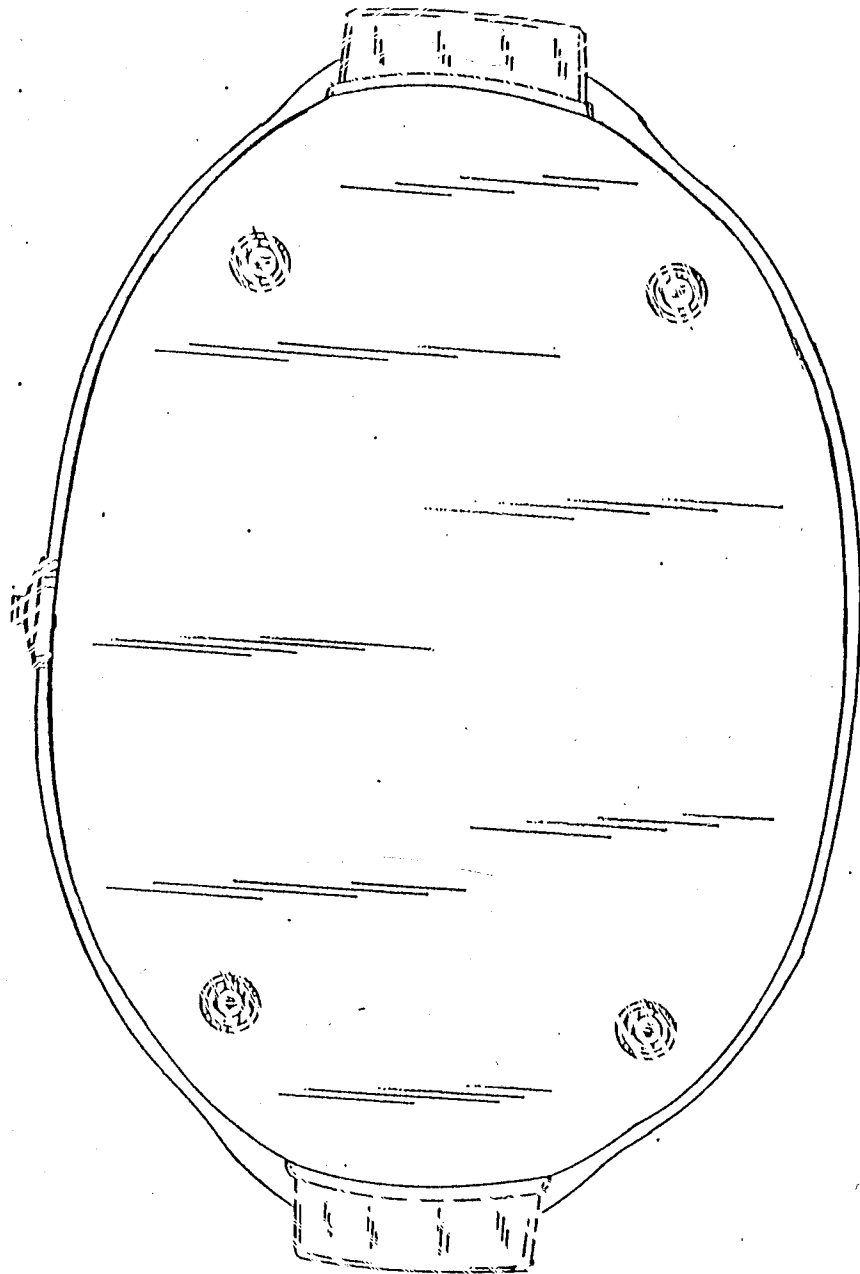


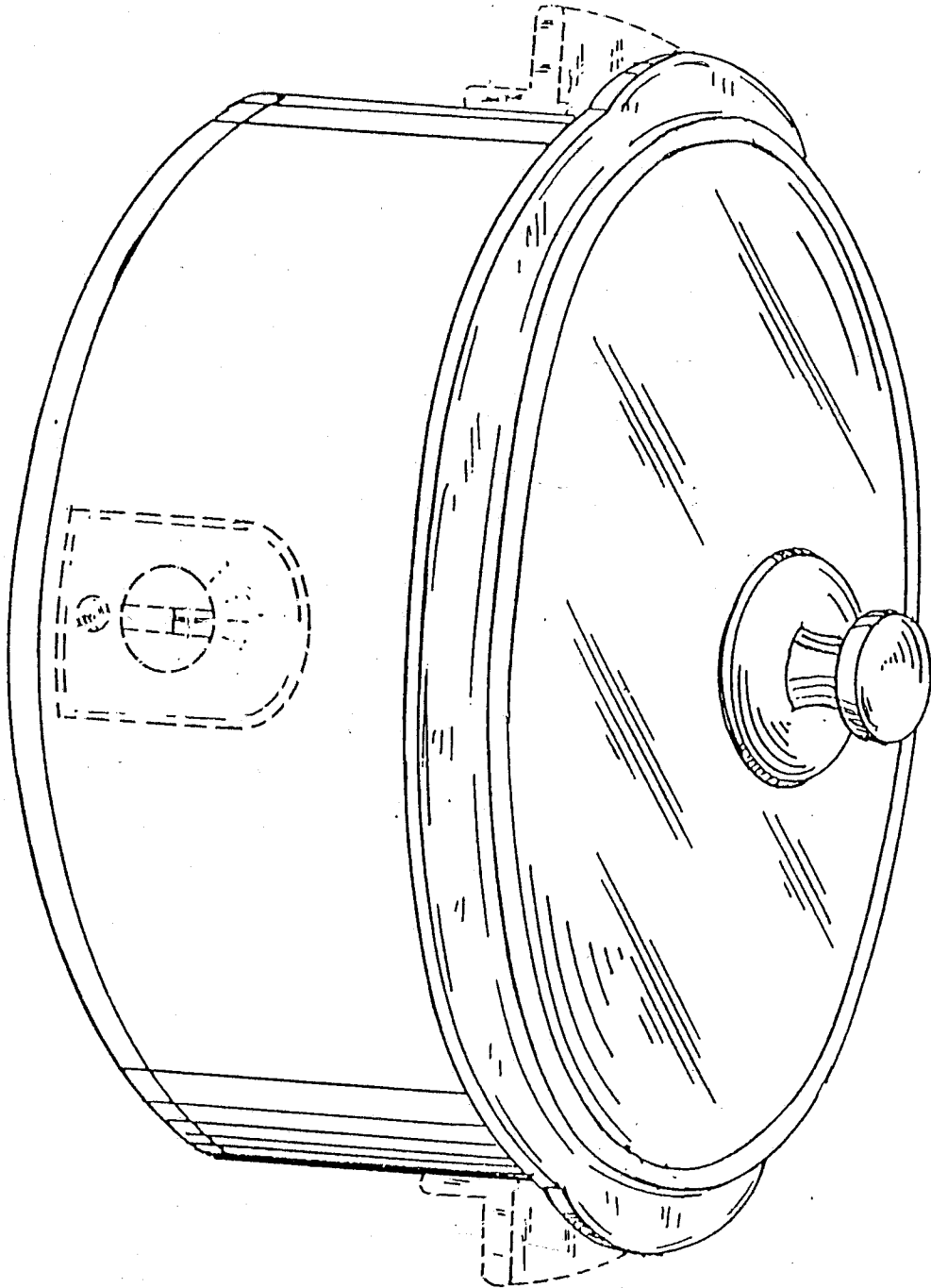
Fig. 7

2006-03-23 14:00:00

PRINT OF DRAWINGS  
AS ORIGINALLY FILED

29/120985

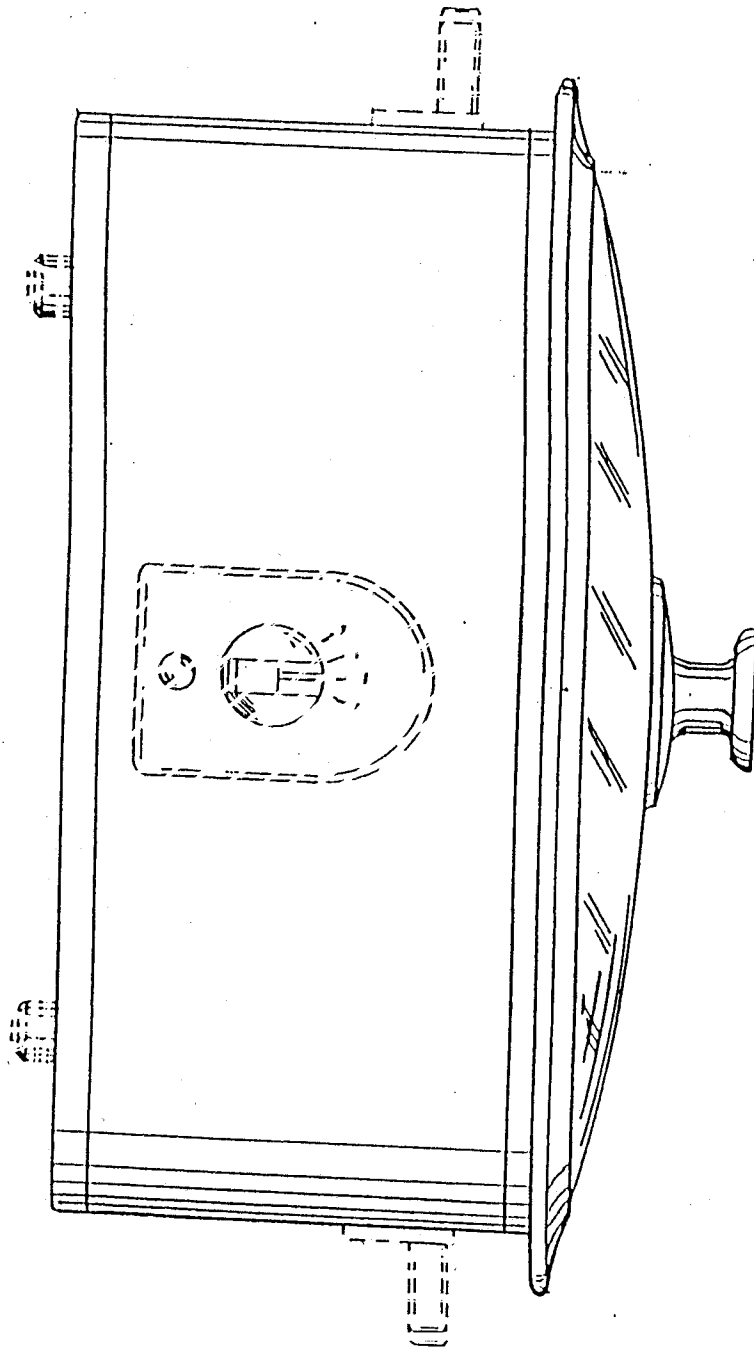
Fig. 1



29/120985, 03/2000

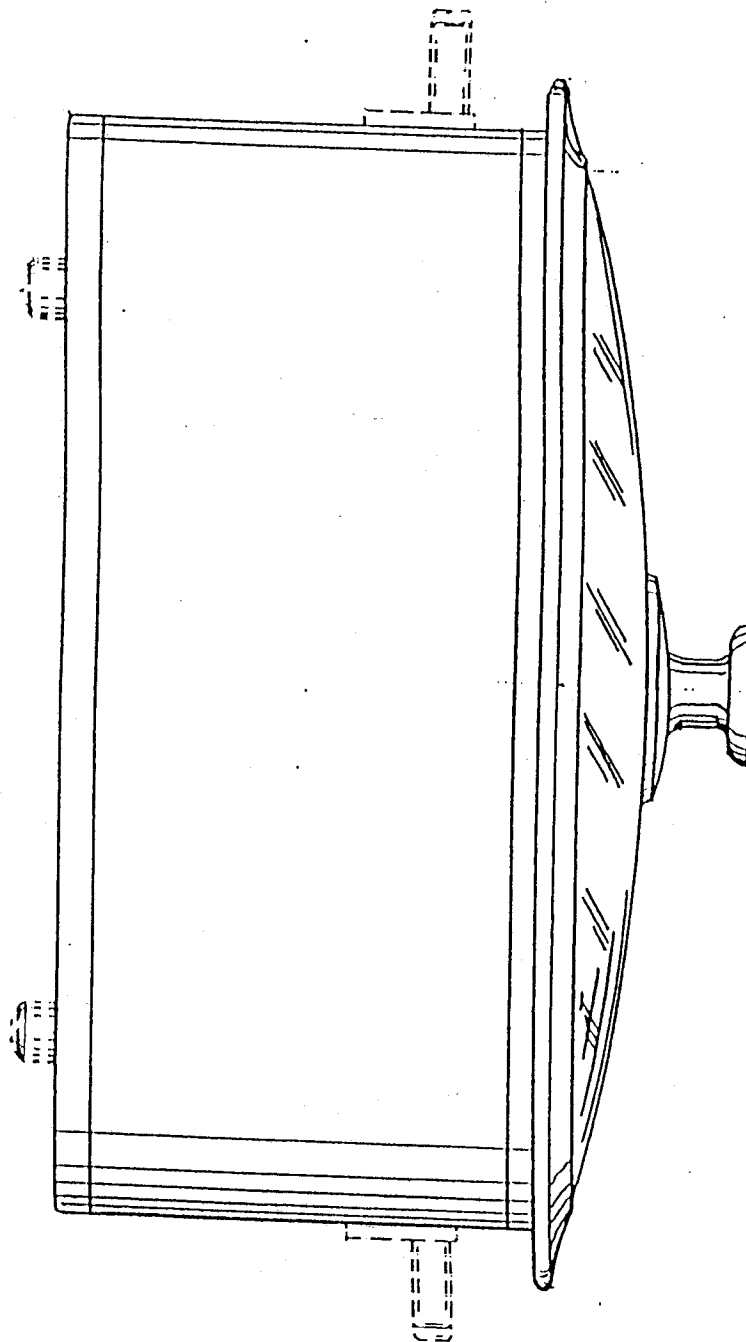
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Aug 2



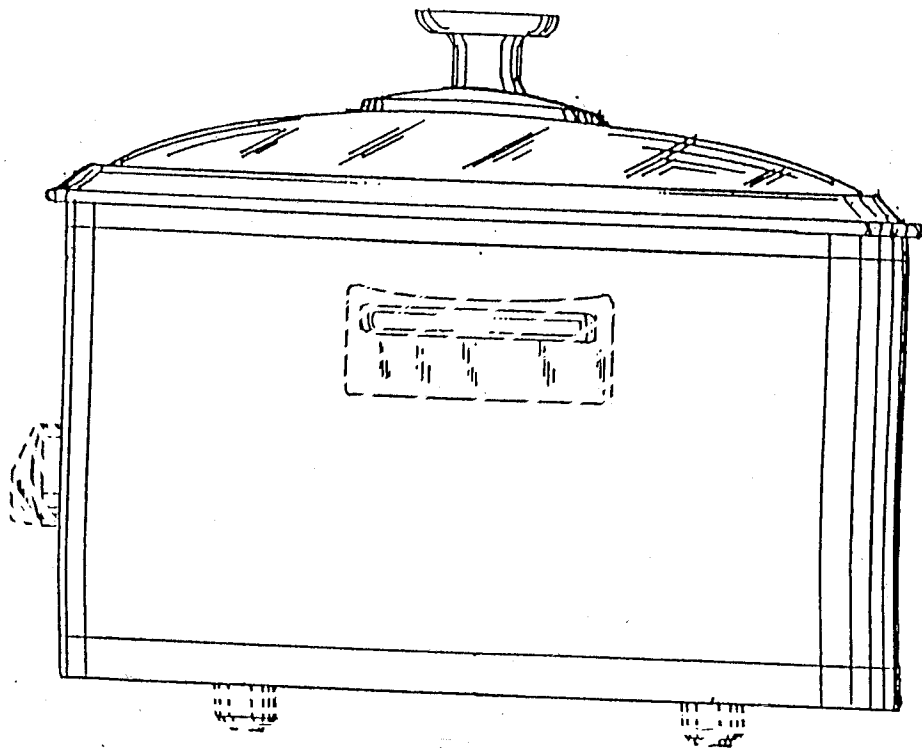
PRINT OF DRAWINGS  
AS ORIGINALLY FILED

Fig. 3





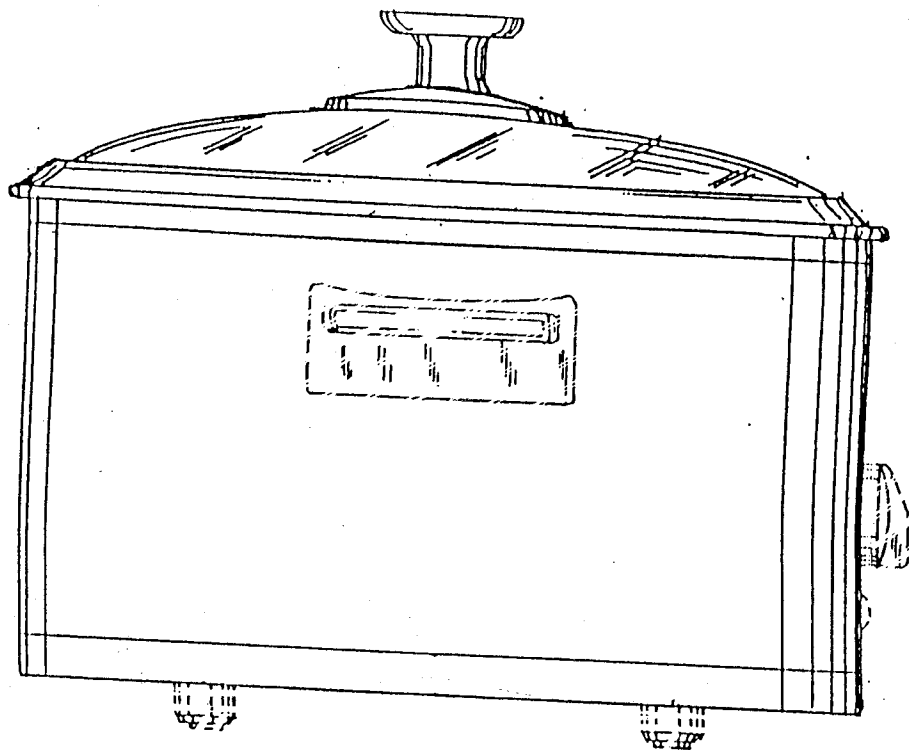
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AS ORIGINALLY FILED



*Fig. 4*

## **EXHIBIT D - Part 2**

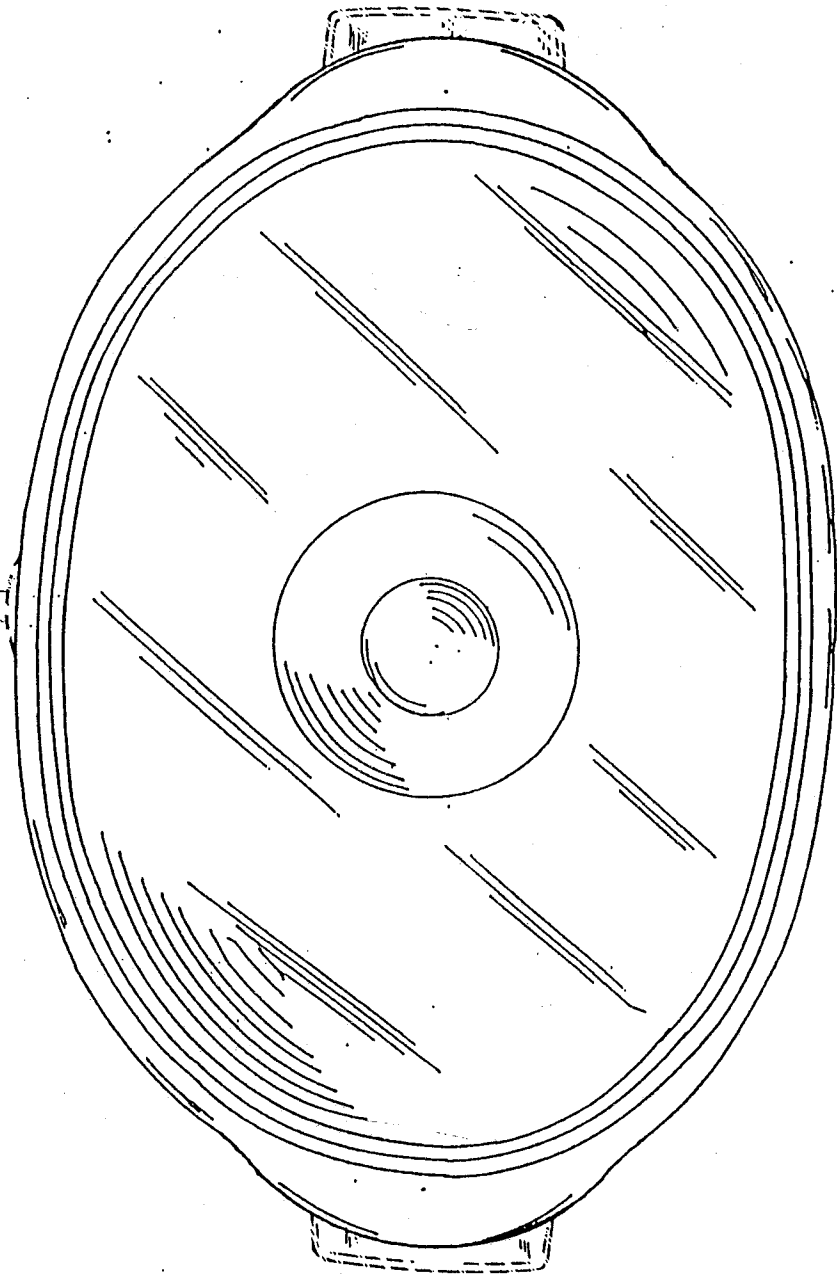
OF DRAWINGS  
ORIGINALLY FILED



*Fig. 5*

**PRINT OF DRAWINGS  
AS ORIGINALLY FILED**

6 July





C. Veynar 6/19/00  
Exs. And TA**Notice of Allowability**

Application No.

29/120,985

Applicant(s)

Dobson et al

Examiner

Caron D. Veynar

Group Art Unit

2913



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☐ This communication is responsive to \_\_\_\_\_.

☒ The allowed claim(s) is/are the single claim \_\_\_\_\_.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

**THE FOLLOWING WAS FOUND  
TO BE MISSING FROM THE  
OFFICIAL PTO FILE HISTORY**

*Page 2 of Paper 2*

---

Application/Control Number: 29/120,985

Page 3

Art Unit: 2913

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3290.

C.D. Veynar  
June 19, 2000



**CARON D. VEYNAR**  
**PRIMARY EXAMINER**  
**GROUP 2900**



<b>Notice of References Cited</b>				Application No. <b>29/120,985</b>		Applicant(s) <b>Dobson et al</b>	
				Examiner <b>Caron D. Veynar</b>		Group Art Unit <b>2913</b>	
						Page 1 of 1	
U.S. PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
x	A	D199747	12/1964	Farber		D7	354
x	B	D248363	7/1978	Rinaldi		D7	354
x	C	D253574	12/1979	Anderson, Jr.		D7	356
x	D	D254355	3/1980	Ottier		D7	545
x	E	D275925	10/1984	Bowen et al		D7	357
x	F	D284257	6/1986	Greb et al		D7	355
x	G	D366592	1/1996	Cesaroni et al		D7	360
x	H	D416434	11/1999	Pollnow		D7	360
x	I	D420246	2/2000	Alonge et al		D7	360
x	J	D420247	2/2000	Kaney et al		D7	360
x	K	D425360	5/2000	Dobson et al		D7	360
x	L	D153894	5/1949	Mortrude		D7	354
	M						
FOREIGN PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						
NON-PATENT DOCUMENTS							
*		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
	U						
	V						
	W						
	X						

\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

NP12/0620

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,985	03/28/00	001	VEYNAR, C	2913 06/20/00
First Named Applicant DOBSON, 35 USC 154(b) term ext. = 0 Days.				

TITLE OF INVENTION COOKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0	95372-917A-0	D07-354.000	Y75 DESIGN	NO	\$430.00	09/20/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

### HOW TO RESPOND TO THIS NOTICE:

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

#14  
JM

Batch Y75

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2913

In re Patent Application of:

William C. Dobson, et al.

Serial No.: 29/120,985

Filed: March 28, 2000

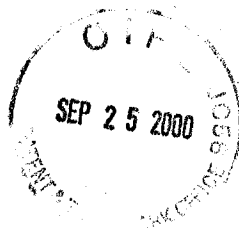
Examiner: C. Veynar

Title: "COOKER"

I, Ellen Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

  
Signature

September 19, 2000  
Date of Signature



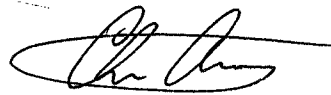
SUBMISSION OF FORMAL DRAWINGS

Box Issue Fee  
Assistant Commissioner for Patents  
ATTENTION: Official Draftsperson  
Washington, D.C. 20231

Sir:

Enclosed for filing are the formal drawings for the above-identified application. Entry of the enclosed drawings is respectfully requested.

Respectfully submitted,



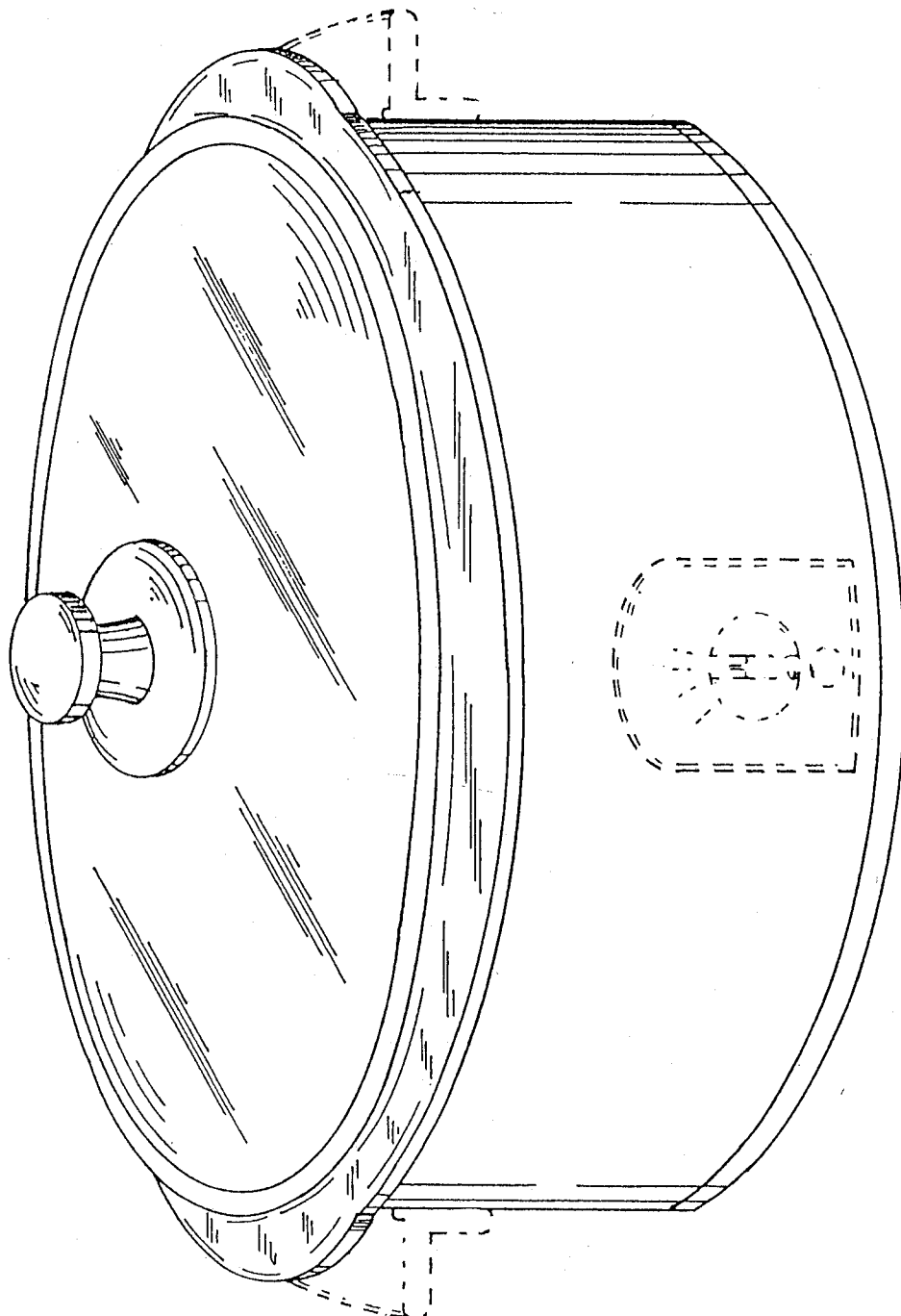
Christopher B. Austin  
Reg. No. 41,592

File No. 95372-9174-00

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

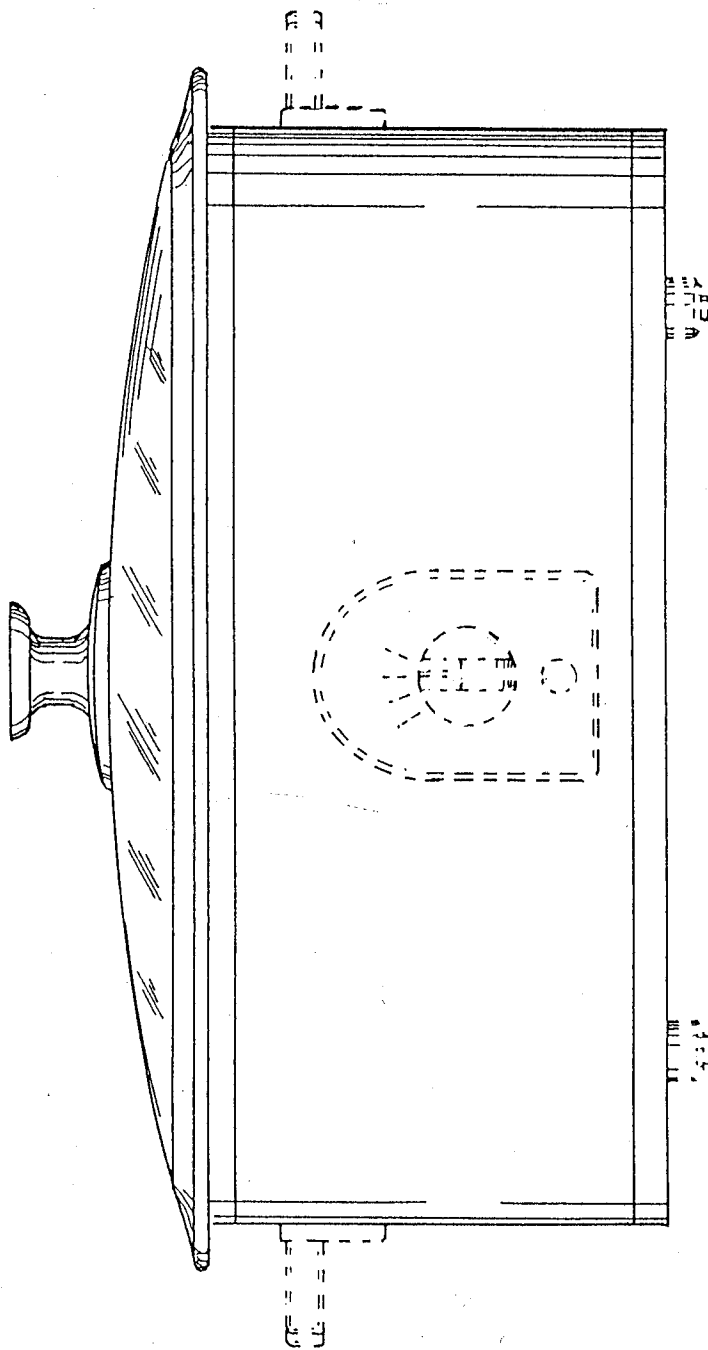
APPROVED	O.G. FIG. 1	
BY	CLASS	SUBCLASS
DRAFTSMAN	007 354	

**D434266**



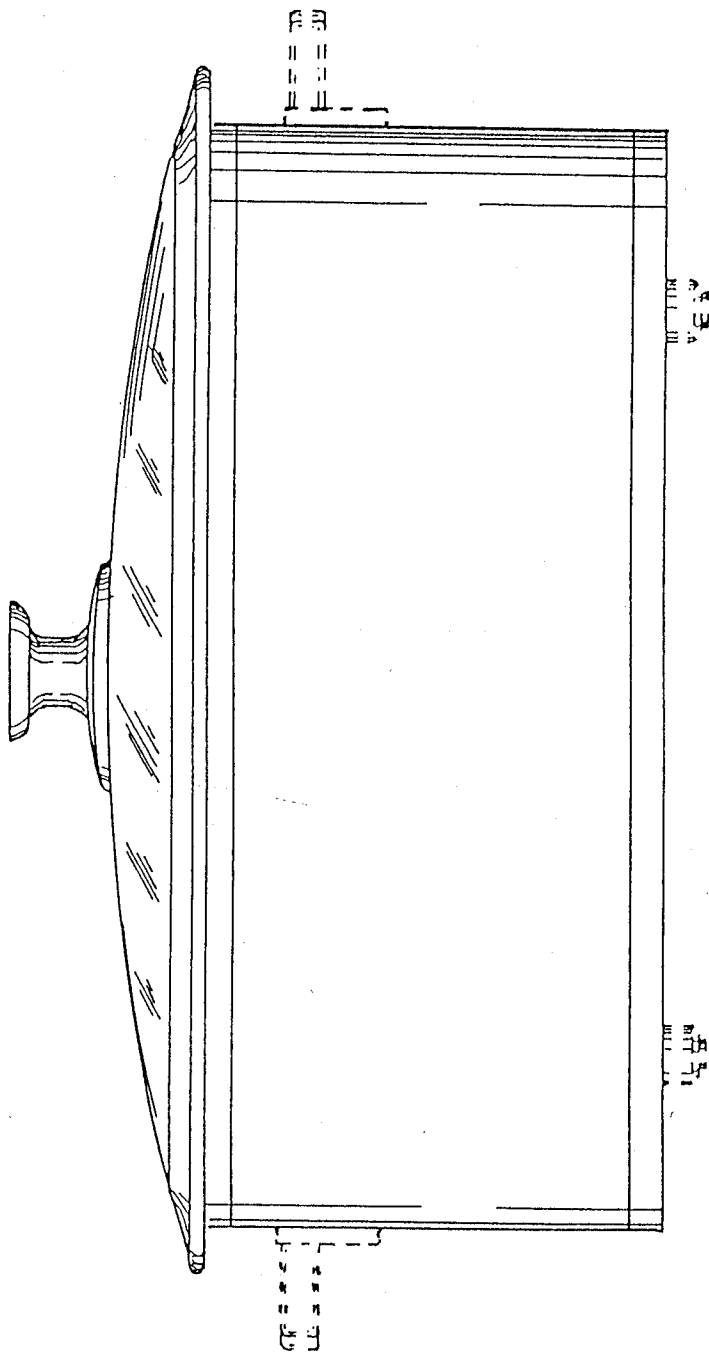
*Fig. 1*

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



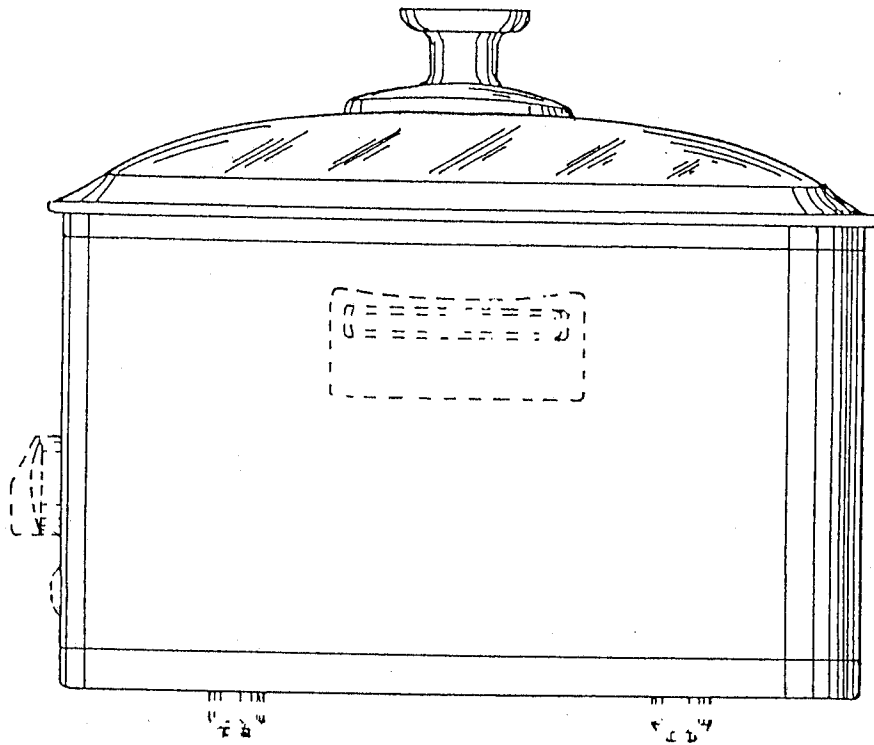
*Fig. 2*

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



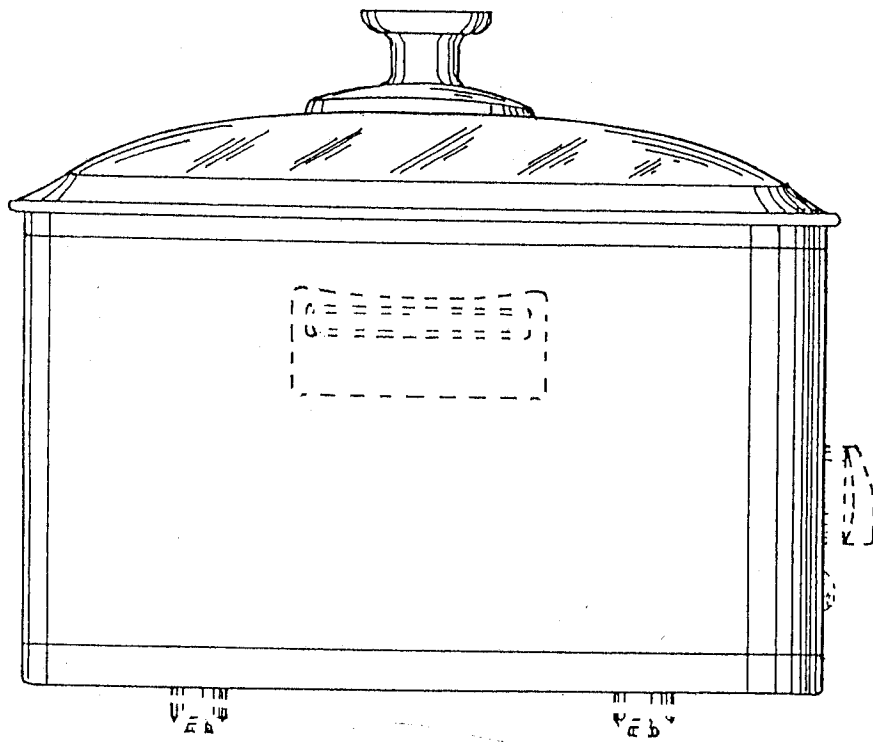
*Fig. 3*

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



*Fig. 4*

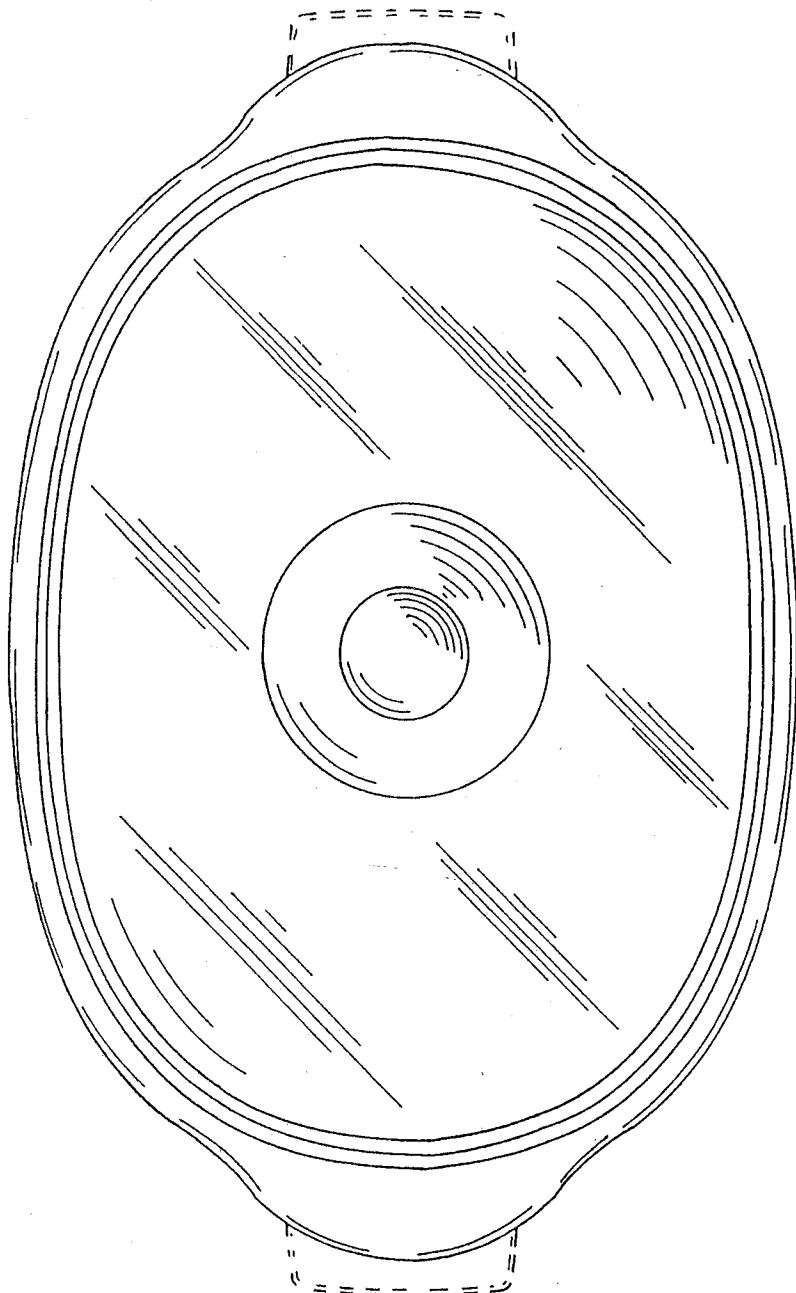
APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



*Fig. 5*

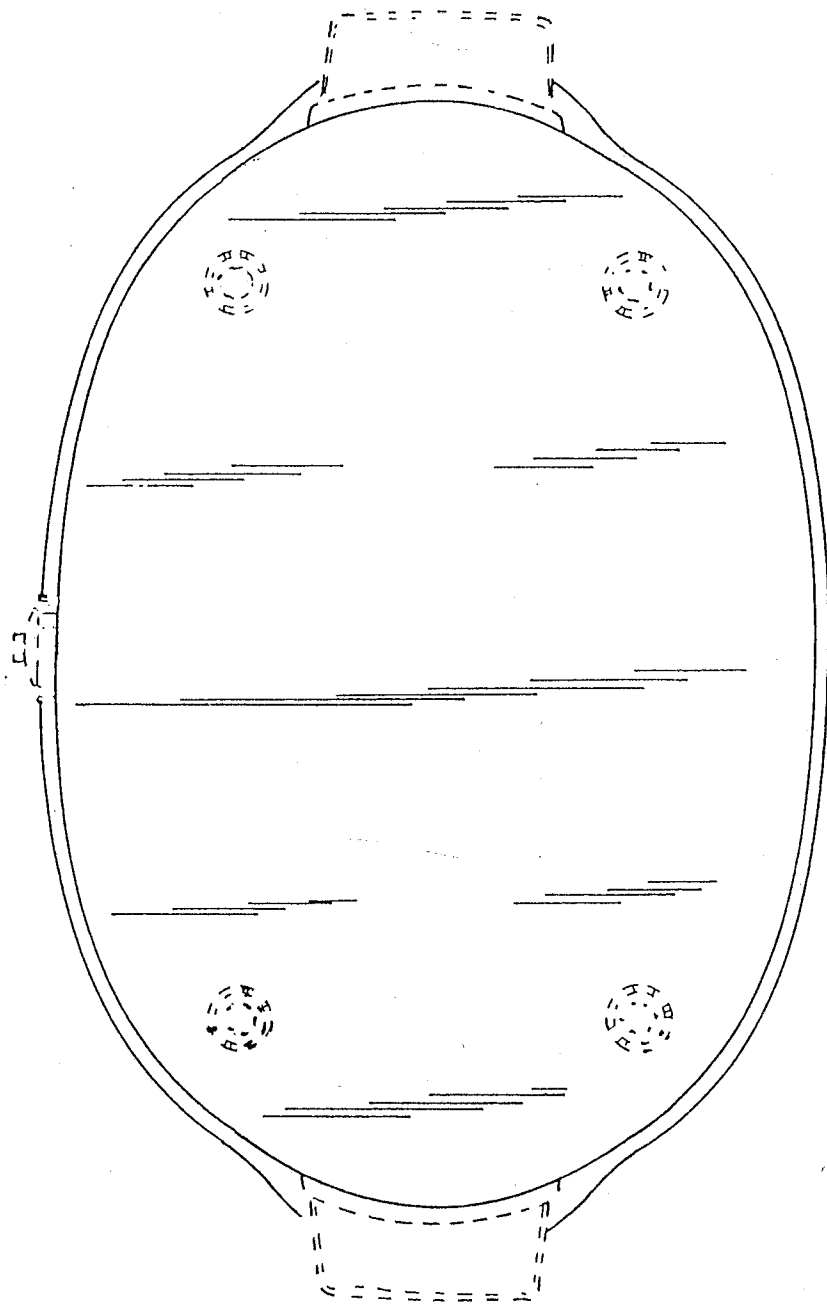


APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



*Fig. 6*

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



*Fig. 7*

## PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to: **Box ISSUE FEE**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Gerald L Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

NM12/0620

SEP 25 2000

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Ellen R. Webb

(Depositor's name)

*Ellen R. Webb*

(Signature)

September 19, 2000

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,985	03/28/00	001	VEYNAR, C	2913 06/20/00
First Named Applicant: DOBSON, 35 USC 154(b) term ext. = 0 Days.				

TITLE OF INVENTION  
COOKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0 95372-9174-0	D07-354.000	Y75	DESIGN	NO	\$430.00	09/20/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Michael Best & Friedrich LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Premark WB Holdings, Inc.

(B) RESIDENCE: (CITY & STATE OR COUNTRY)

Wilmington, DE

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee

☐ Advance Order - # of Copies \_\_\_\_\_

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The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) Christopher B. Austin

(Date) 9/19/00

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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TRANSMIT THIS FORM WITH FEE

**CODE SHEET FOR CONTINUING DATA**

Line	Code	Serial No.	Filing Date	Status	Document No.	Issue Date
104	71	29/097, 446	12/7/98	01	D 425,360	
105						
106						
107						
108						
109						
110						
111						
112						
113						
114						
115						
116						
117						

**Condition and Status Codes for Continuing Data****CONDITION CODE**

71	Continuation of application No.
81	which is a continuation of application No.
91	and a continuation of application No.
72	Continuation-in-part of application No.
82	which is a continuation-in-part of application No.
75	and a continuation-in-part of application No.
74	Division of application No.
84	which is a division of application No.
76	and a division of application No.
86	, said application No.
89	Application No.
90	and application No.
92	each
65	Filed as application No.
66	Substitute for application No.
68	Provisional application No.

**STATUS CODE**

01	Patent No.
03	abandoned
04	SIR No.

NOTE I: When the codes 86 and 92 are used, they must be followed by 81, 82 or 84 -- conditions beginning with "which is"

NOTE II: Codes 71, 72 and 74 may be used only on the first line; one of them must be used on the first line in regular continuing data. 66 or 68 may be used on the first line in Substitute or Provisional cases. Remember, however, that if there is a Provisional and other continuing data, the Provisional is always listed last.

Staple Issue Slip Here

POSITION	INIT.	DATE
CLASSIFIER		
EXAMINER	71868	4-8-00
TYPIST		
VERIFIER		
CORPS CORR.		
SPEC. HAND		
FILE MAINT.		
DRAFTING		

SEARCHED			
Class	Sub.	Date	Exmr.
D7	354-361 545		
99	324 325 340 347 403, 410, 411, 413 419		
		6/5/2000	COV

SEARCH NOTES		
	Date	Exmr.
The Chefs Catalog various dates	6/5/2000	COV

INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.
D7	354	6/19/2000	COV

EMBODIMENTS FILED
ONE

## **EXHIBIT E – Part 1**





D7 354	Class	Subclass
ISSUE CLASSIFICATION		



PATENT NUMBER
D444664
0444664

## U.S. DESIGN Patent Application

RD	O.I.P.E.	PATENT DATE
SCANNED	LA O.A.	JUL 10 2001

CLASS	SUBCLASS	ART UNIT	EXAMINER
D7	354	2413	Veynar

TITLE OF INVENTION:

APPLICANT(S):

Certificate  
OCT 03 2005  
of Correction

ISSUING CLASSIFICATION							
ORIGINAL		CROSS REFERENCE(S)					
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
D7	354						
INTERNATIONAL CLASSIFICATION							
	07-02						

☐ Continued on Issue Slip (inside File Jacket)

<input checked="" type="checkbox"/> TERMINAL DISCLAIMER	DRAWINGS			NOTICE OF ALLOWANCE MAILED	
	Sheets Drwg.	Figs. Drwg.	Print Fig.		
	7	7	1		
<input type="checkbox"/> The term of this patent subsequent to _____ (date) has been disclaimed.				2-08-01	
<input checked="" type="checkbox"/> The term of this patent shall not extend beyond the expiration date of U.S. Patent No. 2,454,266	CARON D. VEYNAR PRIMARY EXAMINER GROUP 2900 Caron D. Veynar 2/7/2001 (Primary Examiner)			ISSUE FEE	CFM
				Amount Due	Date Paid
				440.00	5/11/01
				ISSUE BATCH NUMBER	
				479	
<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed.	Rose Williams 2-10-01 (Legal Instruments Examiner)				
<b>WARNING:</b> The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.					

Form PTO-450  
(Rev. 6/99)



DESIGN



29120882

Date  
Entered  
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## CONTENTS

Date Received  
(Incl. C. of M.)  
or  
Date Mailed

	1. Application _____ papers.	
9/11	2. <i>Reg 3.000</i>	9.11.00
12-19	3. <i>Grant on 12-11-00</i>	12-14-00
	4. <i>Terminal Disch</i>	12-14-00
2/8-	5. <i>Notice Allowability</i>	02-08-01
	6. <i>Notice Allowance</i>	02-08-01
	7. <i>Director Report</i>	8.15.05
	8. <i>Denied</i>	10/4/05
	9. <i>Pre. Consideration for C of M</i>	2/5/06
	10. <i>Approved</i>	8-21-06
	11. _____	
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	30. _____	
	31. _____	
	32. _____	

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

04/03/2000 YBIZAW 00000041 29120882  
01 FC:106 310.00 0P

PTO-1556  
(5/87)

\*U.S. GPO: 1998-469-082/19144

file:///c:/APPS/preexam/correspondence/1.htm



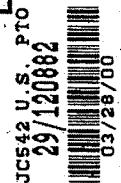
Bib Data Sheet

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

<b>SERIAL NUMBER</b> 29/120,882	<b>FILING DATE</b> 03/28/2000 <b>RULE</b> -	<b>CLASS</b> D01 D7	<b>GROUP ART UNIT</b> 2900	<b>ATTORNEY DOCKET NO.</b> 95372-9176-00	
<b>APPLICANTS</b> William C. Dobson, West Bend, WI ; Scott T. Pollnow, West Bend, WI ;					
** CONTINUING DATA ***** none CNV					
** FOREIGN APPLICATIONS ***** none CNV					
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** 05/04/2000					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		<b>STATE OR COUNTRY</b> WI	<b>SHEETS DRAWING</b> 7	<b>TOTAL CLAIMS</b> 1	<b>INDEPENDENT CLAIMS</b> 1
35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance					
Verified and Acknowledged <u>Carol D. Vayner</u> Examiner's Signature Initials					
<b>ADDRESS</b> Gerald L. Fellows Michael Best & Friedrich LLP 100 East Wisconsin Avenue Milwaukee, WI 53202					
<b>TITLE</b> Cooker					
<b>FILING FEE RECEIVED</b> 310	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT-ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees		
			<input type="checkbox"/> 1.16 Fees ( Filing )		
			<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )		
			<input type="checkbox"/> 1.18 Fees ( Issue )		
			<input type="checkbox"/> Other _____		
			<input type="checkbox"/> Credit		

03-29-00

<b>DESIGN PATENT APPLICATION TRANSMITTAL</b>	Attorney Docket No.	95372-9176-00
	First Named Inventor	
	William C. Dobson	
	Express Mail Label No.	EL402998364US



Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104443 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.


The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

20120882-032800

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

  
Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

00000-00000000




PATENT

Attorney Docket No. 95372-9176

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail No. EL402998364US in an envelope addressed to: Box Patent Applications, Assistant Commissioner for Patents, Washington, D.C. 20231 on March 28, 2000.

Date: March 28, 2000

Michael Best & Friedrich LLP

  
Ellen R. Webb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
SPECIFICATION AND CLAIM OF DESIGN PATENT APPLICATION

(a) We, William C. Dobson and Scott T. Pollnow  
have invented a design for a COOKER

(b) A description of each of the figures is as follows:

FIG. 1 is a perspective view of a COOKER constructed in accordance with one preferred embodiment of the invention;

FIG. 2 is an elevation view of the front of the COOKER shown in FIG. 1;

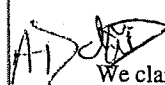
FIG. 3 is an elevation view of the rear of the COOKER shown in FIGS. 1 and 2;

FIG. 4 is an elevation view of the right of the COOKER shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the COOKER shown in FIGS. 1, 2, 3 and 4;

FIG. 6 is a top plan view of the COOKER shown in FIGS. 1, 2, 3, 4 and 5;

FIG. 7 is a bottom plan view of the COOKER shown in FIGS. 1, 2, 3, 4, 5 and 6.

 We claim:

The ornamental design for a COOKER as shown and described.

11-Mar-99 10:53am From-MICHAEL

+4142770656

T-742 P.02/05 F-364

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on an ornamental design for a "COOKER" (Attorney Docket No. 95372/9059), the specification of which was filed on December 7, 1998, and bears serial No. 29/097,446.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint JOSEPH A. GEMIGNANI, (Reg. No. 19,482), ROBERT E. CLEMENCY (Reg. No. 19,287), DAVID B. SMITH (Reg. No. 27,595), GLENN A. BUSÉ (Reg. No. 24,217), FRED WIVIOTT (Reg. No. 19,158), DAVID R. PRICE (Reg. No. 31,557), BAYARD H. MICHAEL (Reg. No. 15,974), CASIMIR F. LASKA (Reg. No. 30,862), DAVID L. DEBRUIN (Reg. No. 35,489), TIMOTHY M. KELLEY (Reg. No. 34,201), BILLIE JEAN STRANDT (Reg. No. 36,940), THOMAS A. MILLER (Reg. No. 36,871), KEVIN P. MORAN (Reg. No. 37,193), GERALD L. FELLOWS (Reg. No. 36,133), EDWARD R. LAWSON (Reg. No. 41,931), JAMES A. COLLINS (Reg. No. P-43,557), DANIEL S. JONES (Reg. No. 42,697), ANDREW R. PERET (Reg. No. 41,246), RANDALL W. FIELDHACK (Reg. No. P-43,611), CHRISTOPHER B. AUSTIN (Reg. No. 41,592), GRADY J. FRENCHICK (Reg. No. 29,018), TERESA J. WELCH (Reg. No. 33,049), LINDA BLAIR MEIER (Reg. No. 39,769), PAUL F. DONOVAN (Reg. No. 39,962) and KAREN B. KING (Reg. No. 41,898), Michael Best & Friedrich LLP; and ROBERT S. BEISER (Reg. No. 28,687) and WITOLD Z. ZIARNO (Reg. No. 39,888), Michael Best & Friedrich (Illinois), and each or any of them, my attorneys or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

From-MICHAEL

+4142770657

T-742 P.03/05 F-364

Full name of first joint inventor: William C. Dobson

Inventor's signature

William C. Johnson 3/11/99  
Date

West Bend, WI

United States

1941 Frontier Court

West Bend, WI 53095

Inventor's signature

Date \_\_\_\_\_

West Bend, WI

United States

1608 Beverly Lane

West Bend, WI 53090



Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on an ornamental design for a "COOKER" (Attorney Docket No. 95372/9059), the specification of which was filed on December 7, 1998, and bears serial No. 29/097,446.

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ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: William C. Dobson

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: West Bend, WI  
 Citizenship: United States  
 Post Office Address: 1941 Frontier Court  
 West Bend, WI 53095

Full name of second joint inventor: Scott T. Pollnow

Inventor's signature *Scott T. Pollnow* 3/13/99  
 Date

Residence: West Bend, WI  
 Citizenship: United States  
 Post Office Address: 1608 Beverly Lane  
 West Bend, WI 53090

NOT RECORDED

03-29-00

<b>DESIG. PATENT APPLICATION TRANSMITTAL</b>	<i>Attorney Docket No.</i>	5-72-9176-00 (D)
	<i>First Named Inventor</i>	
	William C. Dobson	
	<i>Express Mail Label No.</i>	EL402998364US

03/28/00

JC542 U.S. PTD  
29/120882  
03/28/00

A/DES

Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104443 in the amount of \$310


This patent application is a continuation of pending Application No. 29/097,446.

The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald L. Fellows", written over a horizontal line.

Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

11-Mar-99 10:54am From:MICHAEL B...

+4142770656 T-742 P.04/05 F-364

A S S I G N M E N T

For and in consideration of the sum of One Dollar  
(\$1.00) to us:

William C. Dobson  
1941 Frontier Court  
West Bend WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

paid by Premark WB Holdings, Inc. (hereafter "Assignee"), a  
Delaware corporation having its principal place of business  
at:

300 Delaware Avenue  
Wilmington, DE 19801

and for other valuable and sufficient consideration, receipt  
whereof is hereby acknowledged, we hereby sell, assign and  
convey, unto Assignee, its successors and assigns, our entire  
right, title and interest -

(1) in and to an ornamental design entitled  
"COOKER" for which we have executed United States Design  
Patent Application Serial No. 29/097,446, filed December 7,  
1998 (hereafter "the Application");

(2) in and to the Application, in and to all other  
corresponding patent applications including divisional,  
continuation, continuation-in-part and reissue applications,  
and in and to the patent or patents to be granted therefrom,  
including reissues thereof;

(3) in and to all patent applications corresponding  
to the Application filed in countries foreign to the United  
States of America, and in and to any and all patents granted  
on said applications; and

(4) under the International Convention in respect  
to the Application, I agree that any patent applications of  
any foreign countries which may be filed shall be filed in the

11-Mar-99 10:54am From-MICHAEL BEST

+4142770656

T-742 P.05/05 F-364

name of Assignee with a claim to priority based on the Application.

We hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be deemed necessary by Assignee, its successors or assigns to a complete fulfillment of the intent and purposes of this Assignment. It is understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns.

The Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue any patents issuing from the Application to Assignee.

Signed at West Bend Co.  
this 11 day of March, 1999.

William C. Dobson  
William C. Dobson

Signed at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

Scott T. Pollnow  
Scott T. Pollnow

A S S I G N M E N T

For and in consideration of the sum of One Dollar  
(\$1.00) to us:

William C. Dobson  
1941 Frontier Court  
West Bend WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

paid by Premark WB Holdings, Inc. (hereafter "Assignee"), a  
Delaware corporation having its principal place of business  
at:

300 Delaware Avenue  
Wilmington, DE 19801

and for other valuable and sufficient consideration, receipt  
whereof is hereby acknowledged, we hereby sell, assign and  
convey, unto Assignee, its successors and assigns, our entire  
right, title and interest -

(1) in and to an ornamental design entitled  
"COOKER" for which we have executed United States Design  
Patent Application Serial No. 29/097,446, filed December 7,  
1998 (hereafter "the Application");

(2) in and to the Application, in and to all other  
corresponding patent applications including divisional,  
continuation, continuation-in-part and reissue applications,  
and in and to the patent or patents to be granted therefrom,  
including reissues thereof;

(3) in and to all patent applications corresponding  
to the Application filed in countries foreign to the United  
States of America, and in and to any and all patents granted  
on said applications; and

(4) under the International Convention in respect  
to the Application, I agree that any patent applications of  
any foreign countries which may be filed shall be filed in the

name of Assignee with a claim to priority based on the Application.

We hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be deemed necessary by Assignee, its successors or assigns to a complete fulfillment of the intent and purposes of this Assignment. It is understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns.

The Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue any patents issuing from the Application to Assignee.

Signed at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

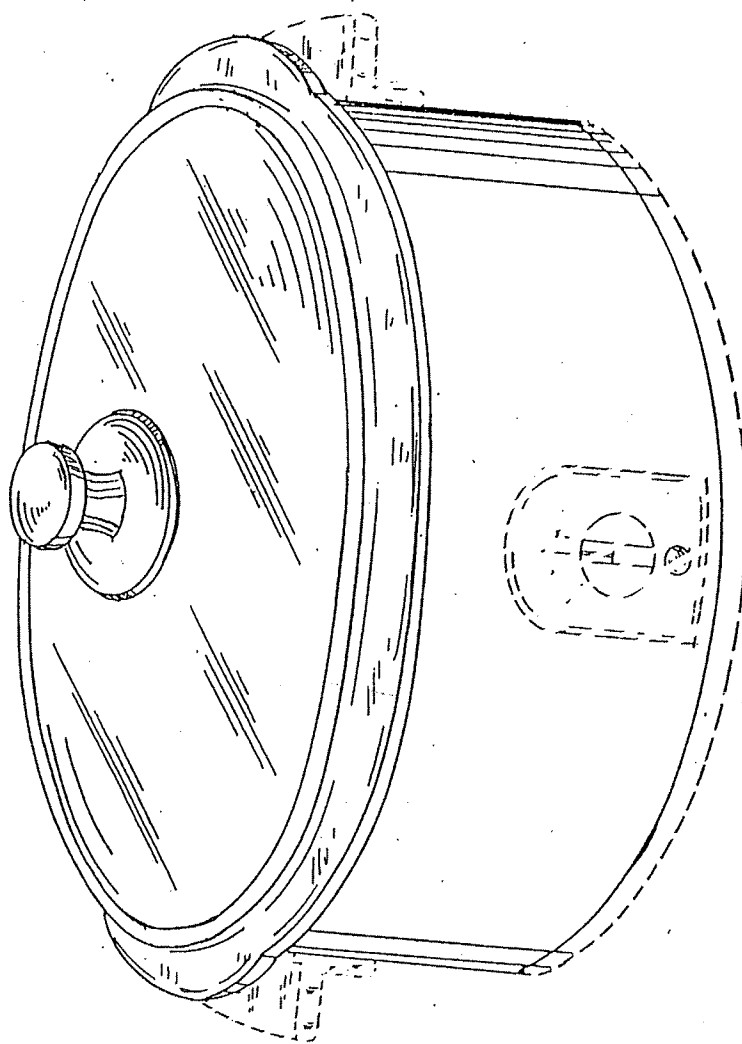
\_\_\_\_\_  
William C. Dobson

Signed at \_\_\_\_\_  
this 12 day of March, 1999.

Scott T. Pollnow  
Scott T. Pollnow



20120882.022000



*Fig. 1*

## **EXHIBIT E – Part 2**

00000000-00000000

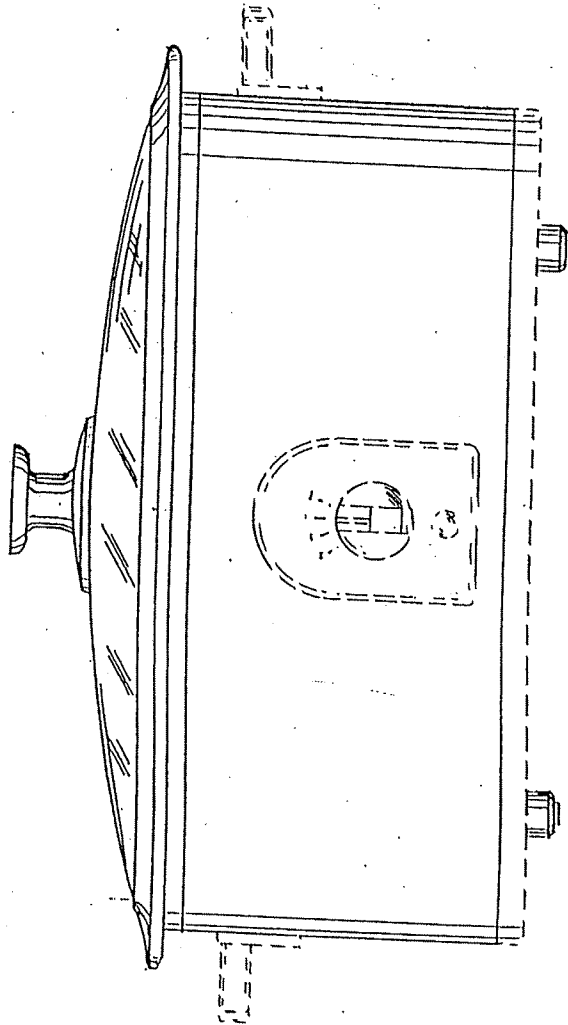


Fig. 2

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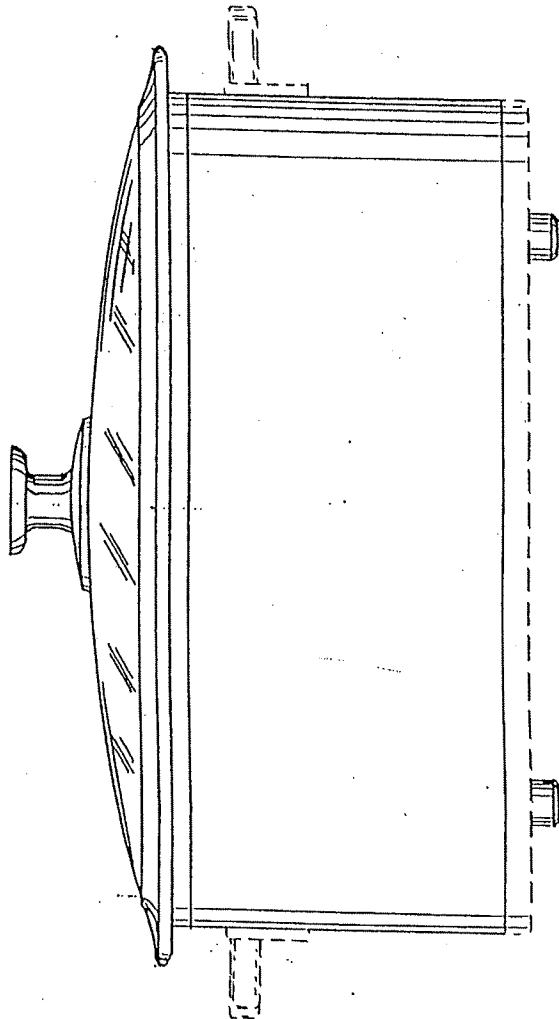
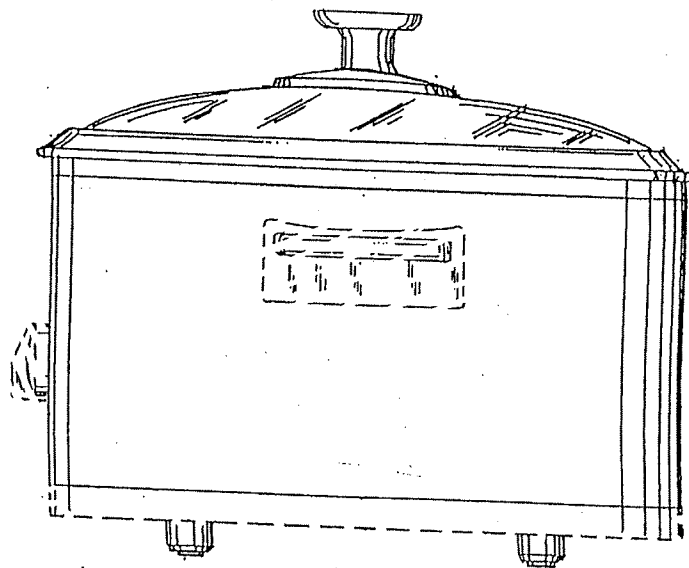


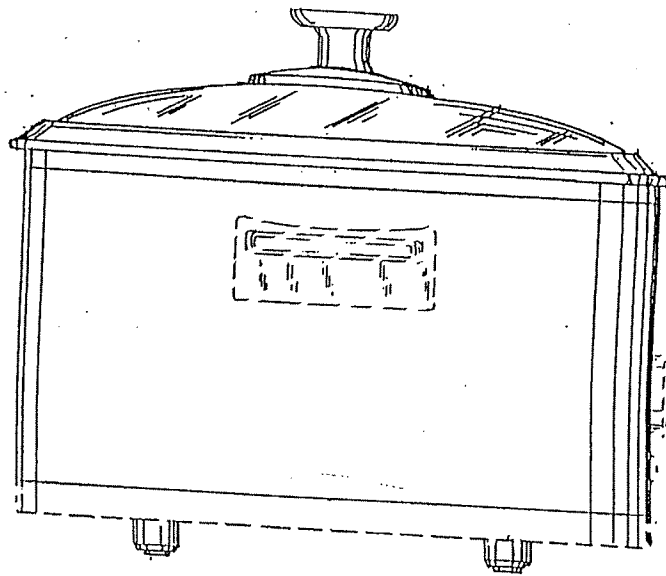
Fig. 3

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*Fig. 4*

20120882 022800



*Fig. 5*









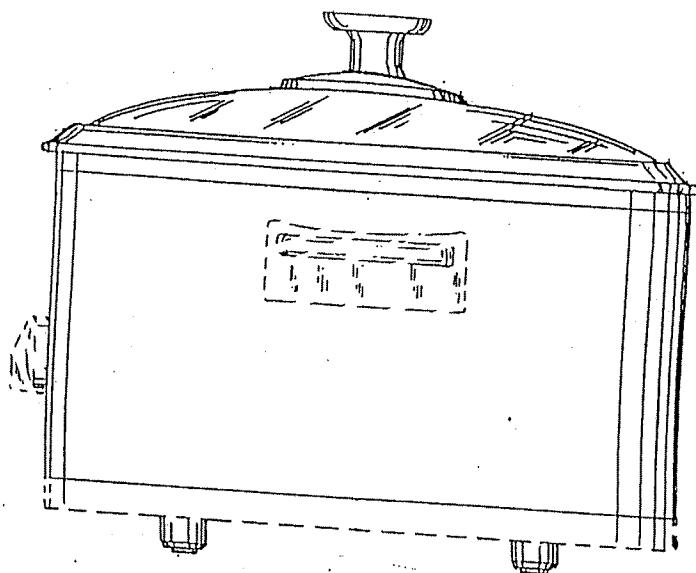




## **EXHIBIT E – Part 3**

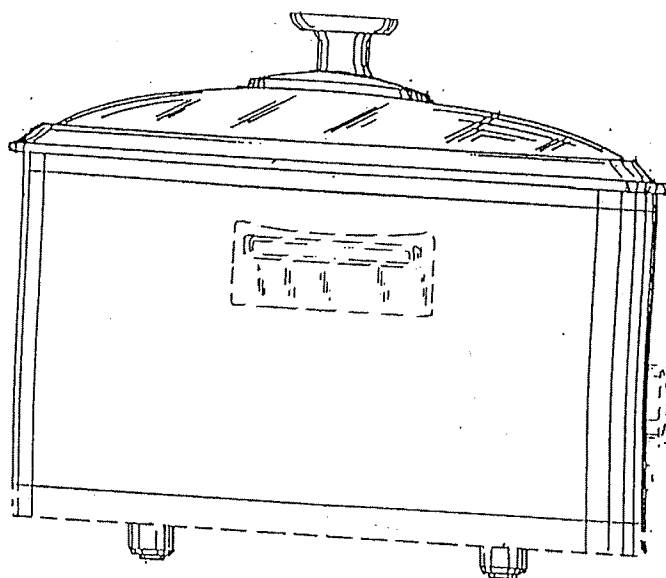
PRINT OF DRAWINGS  
AS ORIGINALLY FILED

20120002 032000



*Fig. 4*

PRINT OF DRAWINGS  
AS ORIGINALLY FILED



*Fig. 5*

PRINT OF DRAWINGS  
AS ORIGINALLY FILED

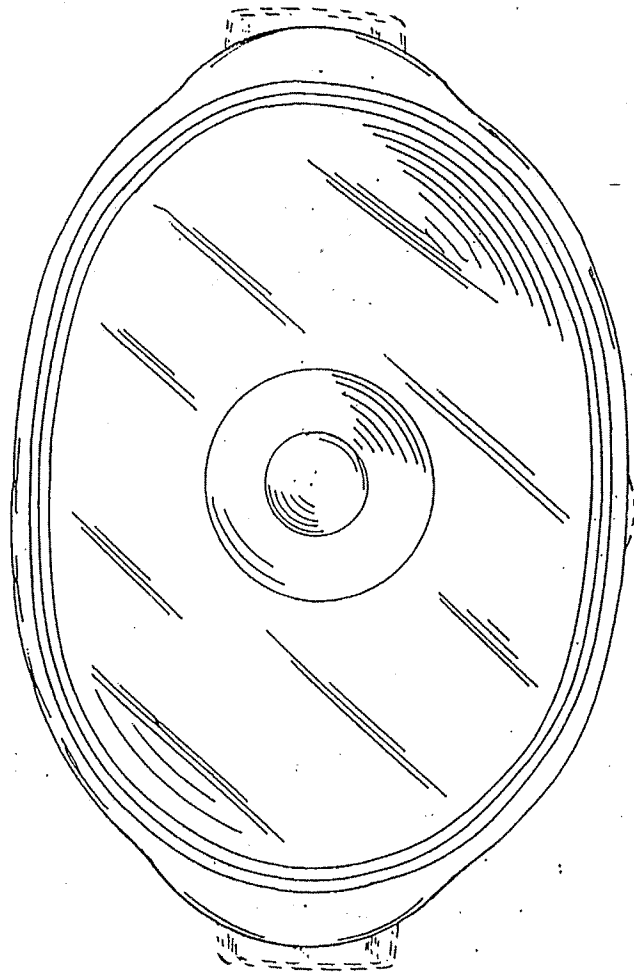


Fig 6

[illegible]

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AS ORIGINALLY FILED

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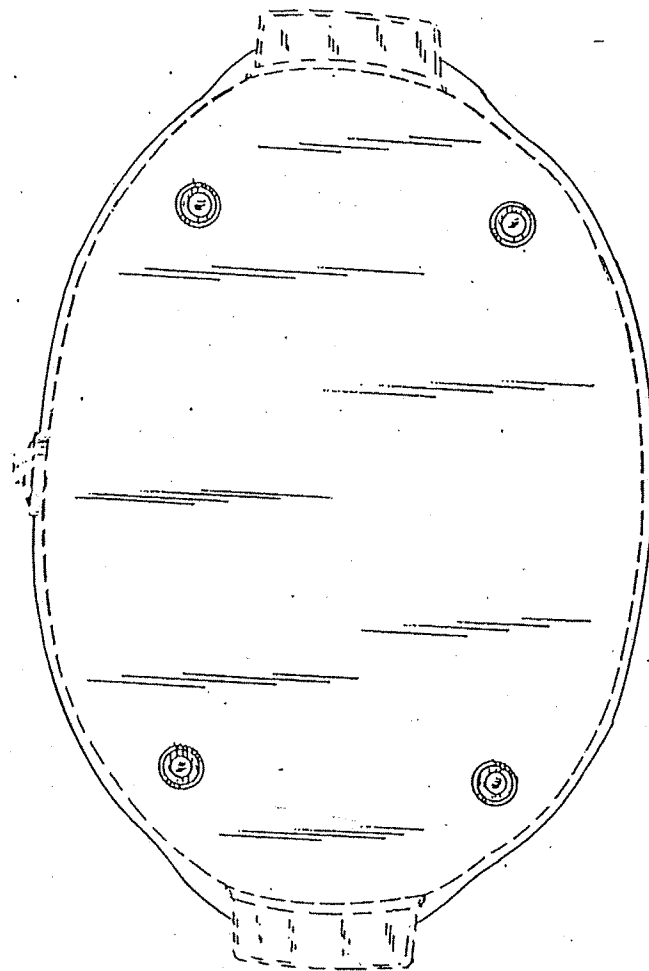


Fig. 7





**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
29/120,882	03/28/00	DOBSON	W 95372-9176-0

NM12/0911

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

EXAMINER

VEYNAR, C

ART UNIT

PAPER NUMBER

2913

DATE MAILED: 09/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**Application No.  
29/120,882

Applicant(s)

Dobson et al

Examiner

Caron D. Veynar

Group Art Unit  
2913☐ Responsive to communication(s) filed on \_\_\_\_\_☐ This action is FINAL.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) The single claim

is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_

is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_

is/are allowed.

☒ Claim(s) The single claim

is/are rejected.

☐ Claim(s) \_\_\_\_\_

is/are objected to.

☐ Claims \_\_\_\_\_

are subject to restriction or election requirement.

**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☒ The drawing(s) filed on Mar 28, 2000 is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☒ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## **EXHIBIT E – Part 4**

Application/Control Number: 29/120,882

Page 2

Art Unit: 2913

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The claim is provisionally rejected under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application Nos. 29/120,985 and 29/120,883.

Although the conflicting claims are not identical, they are not patentably distinct from each other because merely disclaiming the bottom line or portion of the cooker and claiming the feet does not change the overall visual appearance and is not patentably distinct over 29/120,883 because merely claiming the feet and disclaiming the knob on the cover, again does not change the overall visual appearance. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

It is well settled that it is unobviousness in the overall appearance of the claimed design, when compared with the prior art, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design patentability. See *In re Frick*, 275

Application/Control Number: 29/120,882

Page 3

Art Unit: 2913

F2d 741, 125 USPQ 191 (CCPA 1960) and *In re Lamb*, 286 F2d 610, 128 USPQ 539 (CCPA 1961).

2. The drawings are objected to by the Official Draftsman as per the enclosed form PTO-948. In addition, surface shading should not extend into the broken line disclosure of the bottom portion of the cooker shown in Figs. 1 - 5.

Proposed corrected drawings are now needed.

3. Immediately after the figure descriptions the following statement must be added:

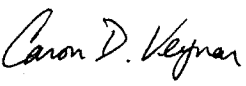
-- The broken line showings in Figs. 1 - 7 are for illustrative purposes only and form no part of the claimed design. --

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Caron Veynar, whose telephone number is (703) 305-3162. the examiner can normally be reached on Monday - Thursday from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris Coles, can be reached at (703) 305-3107. The FAX phone number for this group is (703) 308-2742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3290.

C.D. Veynar  
September 10, 2000

  
CARON D. VEYNAR  
PRIMARY EXAMINER  
GROUP 2900

## **EXHIBIT E – Part 5**

FORM PTO 948 (REV. 01-97)

U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

Application No. 29/120,882

# NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

The drawing filed (insert date) 3-28-00 are:A.        not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B.        objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

- |   |  |
|---|--|
| <p>1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:<br/> Black ink. Color.<br/> _____ Color drawing are not acceptable until petition is granted.<br/> Fig.(s) _____<br/> _____ Pencil and non black ink is not permitted. Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84(b)<br/> _____ Photographs are not acceptable until petition is granted,<br/> _____ 3 full-tone sets are required. Fig(s) _____<br/> _____ Photographs not properly mounted (must bristol board or photographic double-weight paper). Fig(s) _____<br/> _____ Poor quality (half-tone). Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(e)<br/> _____ Paper not flexible, strong, white and durable.<br/> Fig.(s) _____<br/> _____ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)<br/> _____ Mylar, vellum paper is not acceptable (too thin).<br/> Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:<br/> _____ 21.0 cm by 29.7 cm (DIN size A4)<br/> _____ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)<br/> _____ All drawings sheets not the same size.<br/> Sheet(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins:<br/> Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm<br/> SIZE: A4 Size<br/> Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm<br/> SIZE: 8 1/2 x 11<br/> _____ Margins not acceptable. Fig(s) _____<br/> _____ Top (T) _____ Left (L)<br/> _____ Right (R) _____ Bottom (B)</p> <p>6. VIEWS. CFR 1.84(h)<br/> REMINER: Specification may require revision to correspond to drawing changes.<br/> _____ Views connected by projection lines or lead lines.<br/> Fig.(s) _____<br/> Partial views. 37 CFR 1.84(h)(2)<br/> _____ Brackets needed to show figure as one entity.<br/> Fig.(s) _____<br/> _____ Views not labeled separately or properly.<br/> Fig.(s) _____<br/> _____ Enlarged view not labeled separately or properly.<br/> Fig.(s) _____</p> | <p>7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)<br/> _____ Hatching not indicated for sectional portions of an object.<br/> Fig.(s) _____<br/> _____ Sectional designation should be noted with Arabic or Roman numbers. Fig.(s) _____</p> <p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)<br/> _____ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig.(s) _____<br/> _____ Views not on the same plane on drawing sheet. Fig.(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k)<br/> _____ Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.<br/> Fig.(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)<br/> _____ Lines, numbers &amp; letters not uniformly thick and well defined, clean, durable and black (poor line quality).<br/> Fig.(s) <u>1-7</u></p> <p>11. SHADING. 37 CFR 1.84(m)<br/> _____ Solid black areas pale. Fig.(s) _____<br/> _____ Solid black shading not permitted. Fig.(s) _____<br/> _____ Shade lines, pale, rough and blurred. Fig.(s) _____</p> <p>12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS. 37 CFR 1.48(p)<br/> _____ Numbers and reference characters not plain and legible.<br/> Fig.(s) _____<br/> _____ Figure legends are poor. Fig.(s) <u>1-7</u><br/> _____ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig.(s) _____<br/> _____ English alphabet not used. 37 CFR 1.84(p)(3) Fig.(s) _____<br/> _____ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q)<br/> _____ Lead lines cross each other. Fig.(s) _____<br/> _____ Lead lines missing. Fig.(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(t)<br/> _____ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig.(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u)<br/> _____ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig.(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w)<br/> _____ Corrections not made from PTO-948 dated _____</p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152<br/> _____ Surface shading shown not appropriate. Fig.(s) _____<br/> _____ Solid black shading not used for color contrast.<br/> Fig.(s) _____</p> |
|---|--|

COMMENTS

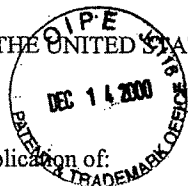
REVIEWER JcDATE 5-7-00TELEPHONE NO. 703-305-8430ATTACHMENT TO PAPER NO. 2

PTO COPY

<b>Notice of References Cited</b>			Application No. 29/120,882		Applicant(s) Dobson et al	
			Examiner Caron D. Veynar		Group Art Unit 2913	
					Page 1 of 1	
<b>U.S. PATENT DOCUMENTS</b>						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	D104914	6/1937	Coss	D7	360	
B	D416434	11/1999	Pollnow	D7	360	
C	D420246	2/2000	Alonge et al	D7	360	
D	D425360	5/2000	Dobson et al	D7	360	
E	D429596	8/2000	Hlava et al	D7	360	
F						
G						
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J						
K						
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M						
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
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O						
P						
Q						
R						
S						
T						
<b>NON-PATENT DOCUMENTS</b>						
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
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V						
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X						



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2913



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DEC 15 2000

TECH CENTER 1000/2900

In re Patent Application of:

Dobson

Serial No.: 29/120,882

Filed: March 28, 2000

Examiner: Caron D. Veynar

Title: "COOKER"

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

*Ellen R. Webb*  
Signature

December 11, 2000  
Date of Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

No additional fees are required.

CLAIMS AS AMENDED						
(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS		MINUS			X \$18	
INDEP. CLAIMS		MINUS				
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ----		

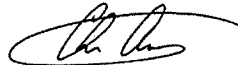
\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

Please charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of fees. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

File No. 95372-9176

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: William C. Dobson ) Group Art Unit: 2913  
Serial No.: 29/120,882 )  
Filed: March 28, 2000 ) Examiner: Caron D. Veynar  
For: "COOKER" ) Date: December 11, 2000  
 ) Attorney Docket No.: 95372-9176-US001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**AMENDMENT**

This Amendment is filed in response to the September 11, 2000 Office Action issued with respect to the above-referenced application, and is filed within the three-month shortened statutory period for response. Accordingly, no extension of time petition or fees are required for the present Amendment.

**IN THE DRAWINGS:**

Entry of formal drawings 1-7 submitted herewith (and the drawing changes described below included therein) is respectfully requested.

**IN THE SPECIFICATION:**

On page 1, after line 13: insert - The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.--

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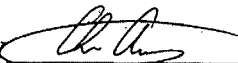
REMARKS

In section 1 of the Office Action, the claim of the present application is provisionally rejected under the judicially created doctrine of obviousness-type double patenting of the claim of copending application nos. 29/120,985 and 29/120,883. The Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), and therefore submit that the double patenting rejection is overcome.

With regard to the drawing objections mentioned in section 2 of the Office Action and in form PTO-948, the Applicants also submit herewith formal drawings 1-7 to replace the drawings currently on file in the present application. Enclosed formal drawings 1-7 address the objections raised by the Official Draftsman. In addition, the surface shading shown in FIGS. 1-5 does not extend into the broken line disclosure as requested by the Examiner. Also, FIG. 4 has been corrected to show (in broken lines) all the controls visible from the right side of the cooker. This FIG. 4 amendment is made only to correct an obvious error and adds no new matter to the application as originally filed.

In view of the above amendments and remarks it is submitted that the claim is patentably distinct over the prior art, that the rejection and objections to the claim have been overcome, and that the application is in condition for allowance. Entry of this Amendment is therefore respectfully requested. If any issues remain outstanding following entry of the above claim amendments, the Examiner is invited to contact the undersigned Applicant's Representative at (414) 225-8266 to discuss the claim further.

Respectfully submitted,

BY 

Christopher B. Austin  
Attorney for Applicant  
Registration No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
414-225-8266

D7 354

1/7

D444664

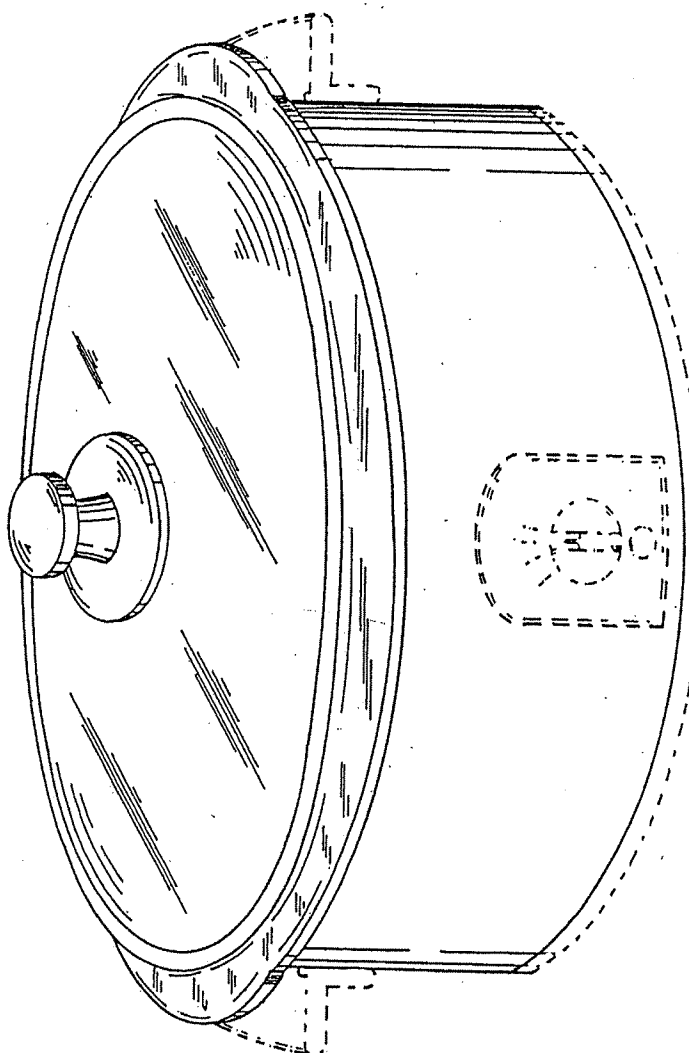


Fig. 1



2/7

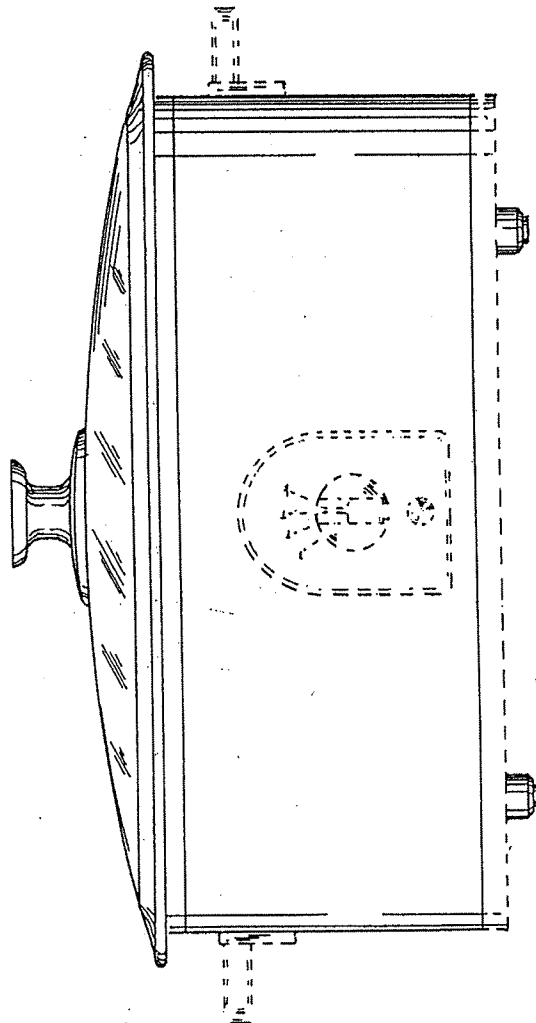


Fig. 2

PHOTO	DATE
BY	DATE
FOOTSTAMP	

3/7

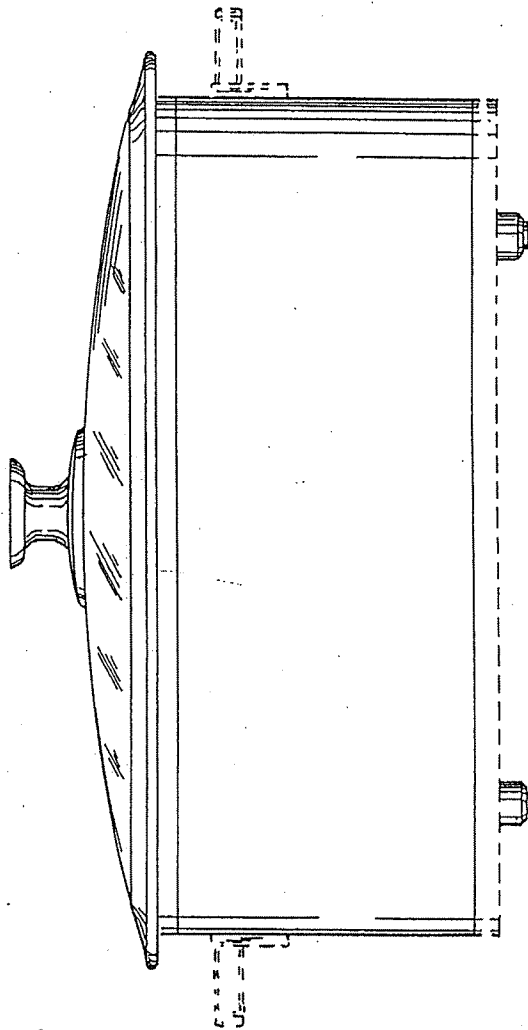


Fig. 3

APPROVED	C. G. FIG.
BY	01/30/06
DATE	01/30/06
BY	01/30/06
DATE	01/30/06

4/7

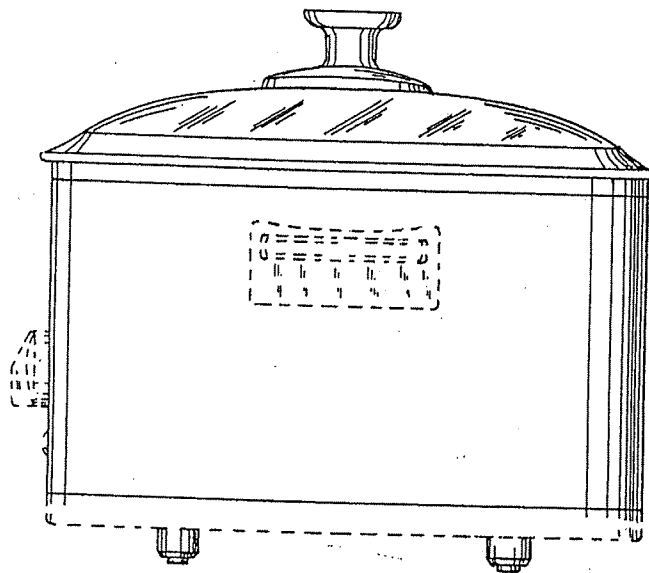


Fig. 4



APPROVED	DATE
BY	DATE
INITIALS	

5/7

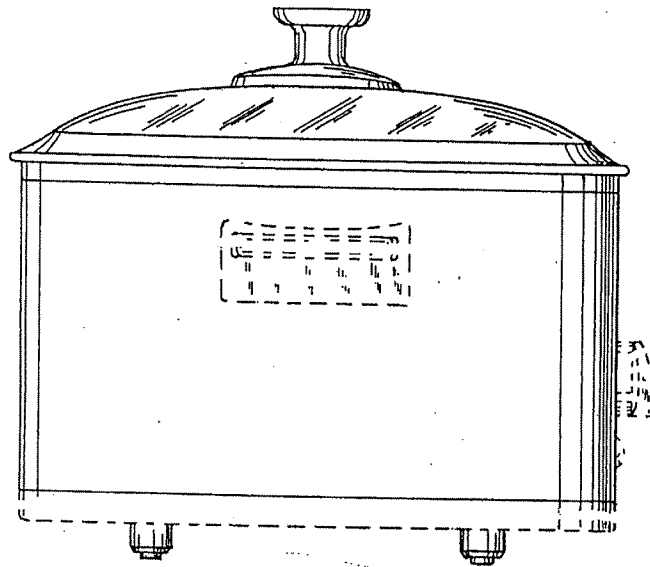


Fig. 5

APPROVED	C.G. FIG.
BY	CLERK
CRATMAN	

6/7

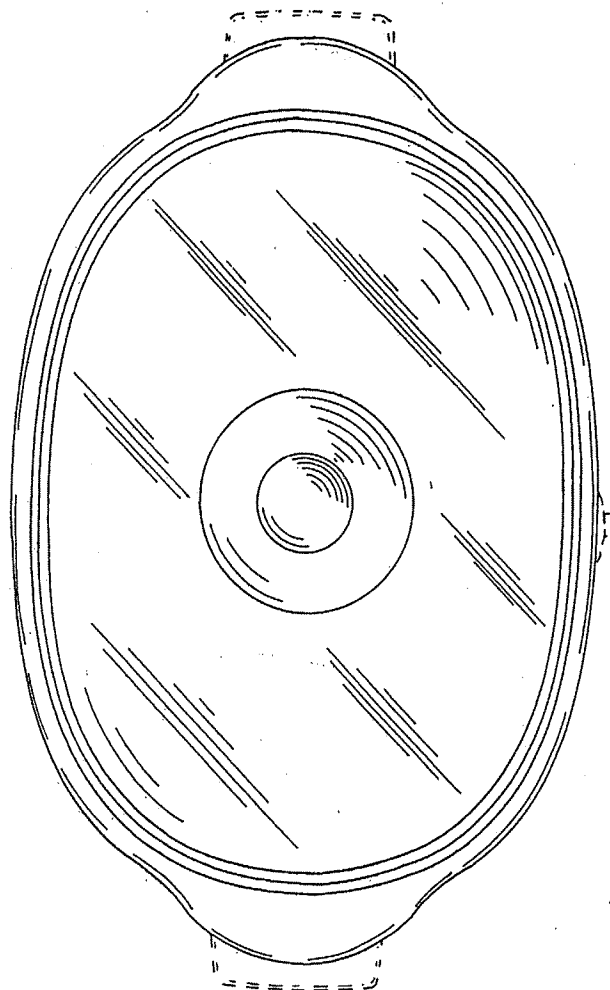


Fig. 6

APPROVED	O.S. FIG. 7	
BY	CLASS	SUB-CLASS
TRAFFICMAN		

7/7

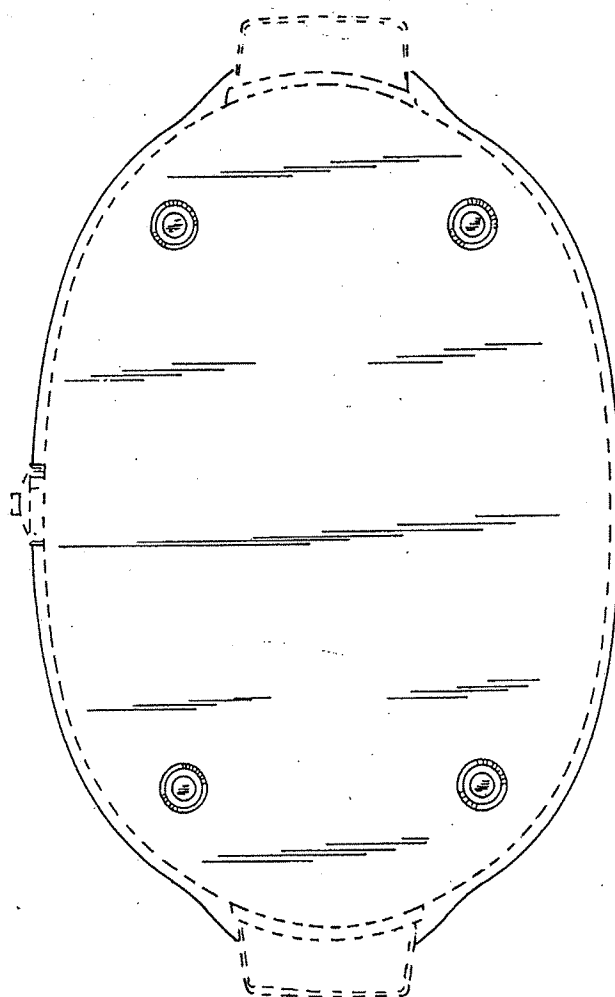


Fig. 7



GP 2900

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 2913

In re Patent Application of:  
Dobson

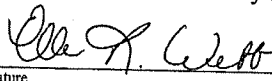
Serial No.: 29/120,882

Filed: March 28, 2000

Examiner: Caron D. Veynar

For: "COOKER"

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

  
Signature

December 11, 2000

Date of Signature

TRANSMITTAL LETTER

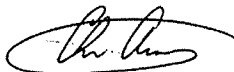
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is a Terminal Disclaimer for the above-titled patent application.

Please charge Deposit Account No. 13-3080 for payment of the required fee. A duplicate of this sheet is enclosed.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

File No. 95372/9176  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William C. Robson ) Group Art Unit: 2913  
Serial No.: 29/120,883 )  
Filed: March 28, 2000 ) Examiner: Caron D. Veynar  
For: "COOKER" ) Date: December 11, 2000  
Attorney Docket No.: 95372-9176-US001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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DEC 15 2000  
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TERMINAL DISCLAIMER

Petitioner, Premark WB Holdings, Inc., is the owner of 100 percent interest in the present application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of United States Design Patent Number 434,266 or a patent granted on United States Design Patent Application Number 29/120,883. Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it, United States Design Patent Number 434,266, and a patent issuing from United States Design Patent Application Number 29/120,883 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of United States Design Patent Number 434,266 or a patent granted on United States Design Patent Application Number 29/120,883, in the event that

either patent later is held enforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

BY 

Christopher B. Austin  
Attorney for Applicant  
Registration No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
414-271-6560

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	29/120,882	DOBSON ET AL.	
	Examiner	Art Unit	
	Caron D. Veynar	2913	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 Dec. 2000.
2. ☒ The allowed claim(s) is/are the single claim.
3. ☒ The drawings filed on 14 December 2000 are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

1 <input type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
--	---

## **EXHIBIT E – Part 6**



Application/Control Number: 29/120,882  
Art Unit: 2913

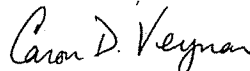
Page 2

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The claim has been reconsidered in view of the amendment and terminal disclaimer received 14 Dec. 2000, both having been entered. The provisional rejection under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application Nos. 29/120,985 and 29/120,883 is now withdrawn and is in condition for allowance.
3. The corrected drawings received 14 Dec. 2000 have been approved by the examiner.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Caron Veynar, whose telephone number is (703) 305-3162. the examiner can normally be reached on Monday - Thursday from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris Coles, can be reached at (703) 305-3107. The FAX phone number for this group is (703) 308-2742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3290.

C.D.Veynar  
February 7, 2001

  
CARON D. VEYNAR  
PRIMARY EXAMINER  
GROUP 2900

SUBJ: DECISION ON TERMINAL DISCLAIMER INFORMAL FORMDATE: 1-9-00APPL. S.N.: 29120,882TO EXAMINER: C. VeynarART UNIT: 2913MOSE MONTGOMERY ROOM 11E18MAILROOM DATE 12-14-00AFTER FINAL YES ☐ NO ☒ NUMBER OF T.D(S). FILED 1

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

- ☒ The T.D. is PROPER and has been recorded. (See 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).
- ☐ The recording fee of \$\_\_\_\_\_ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)
- ☐ Application Examiner has not processed T.D. fee. (See fee authorization).
- ☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).
- ☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).
- ☐ It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).
- ☐ The person who signed the terminal disclaimer:
- ☐ has failed to state his/her capacity to sign for the business entity. (See 14.28).
  - ☐ is not recognized as an officer of the assignee. (See 14.29 and possibly 14.29.01).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).
- ☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).
- ☐ The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.
- ☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3) (For Samples 14.27.04 and 14.27.05)
- ☐ Other: \_\_\_\_\_

☐ Suggestion to request refund of \$\_\_\_\_\_. (See 14.35, 14.36).

☐ EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP

FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:

- ☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).
- ☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- ☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

Gerald J. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

NM12/0208

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,882	03/28/00	001	VEYNAR, C	2913 02/08/01
First Named Applicant: DOBSON				
35 USC 154(b) term ext. = 0 Days				
TITLE OF INVENTION: COOKER				

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0	95072-9176-B	D07-354.000	Y79 DESIGN	NO	\$440.00	05/08/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

## HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.
 

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status: <ol style="list-style-type: none"> <li>A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or</li> <li>B. If the status is the same, pay the FEE DUE shown above.</li> </ol>	If the SMALL ENTITY is shown as NO: <ol style="list-style-type: none"> <li>A. Pay FEE DUE shown above, or</li> <li>B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.</li> </ol>
---	--
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PATENT AND TRADEMARK OFFICE COPY**

## PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with a

ible fees, to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED 2900

MAY 15 2001

TECH CENTER 1600/2900

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the ~~mailing~~ advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Gerald L Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

NM12/0208

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Ellen Webb

(Depositor's name)



(Signature)

May 8, 2001

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,882	03/28/00	001	VEYNAR, C	2913 02/08/01
First Named Applicant DOBSON, 35 USC 154(b) term ext. = 0 Days.				

TITLE OF INVENTION COOKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0 95372-9176-0	D07-354.000	Y79	DESIGN	NO	\$440.00	05/08/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Michael Best &amp; Friedrich LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Premark WB Holdings, Inc.

(B) RESIDENCE: (CITY &amp; STATE OR COUNTRY)

Wilmington, DE

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 13-3080  
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee☐ Advance Order - # of Copies

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) Christopher B. Austin

(Date)

5/8/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

05/14/2001 NFAWE11 00000112 29120882

01 FC:143

440.00 DP

TRANSMIT THIS FORM WITH FEE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2913

*Handwritten initials and numbers: JLC, #7, MTD*

I, Nanci A. Musich, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date of my signature.

Patent Application of

William C. Dobson, et. al.

Application No. 29/120,882

Confirmation No.: None

Filed: March 28, 2000

Examiner: Caron D. Veynar

U.S. Patent No. D444,664

Issued: July 10, 2001

"COOKER"

*Handwritten signature of Nanci A. Musich*  
Signature

*Handwritten date: August 11, 2005*  
Date of Signature

Certificate  
AUG 19 2005  
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents  
ATTN: CERTIFICATE OF CORRECTION BRANCH  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

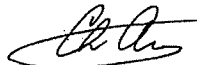
It is hereby requested that a Certificate of Correction be issued with respect to Patent No. D444,664, granted July 10, 2001, in accordance with the Certificate of Correction form attached hereto in duplicate.

The error listed on the Certificate of Correction form appears to have been incurred through oversight on the part of the U.S. Patent and Trademark Office, as will be disclosed by the records of files in the Office. The priority application information was recited on the first page of the Design Patent Application Transmittal, a copy of which accompanies this Request.

AUG 19 2005

Please charge any fees associated with this communication to Account  
No. 13-3080.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

File No. 095511-9078 US (formerly 95372-9176-0)

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560

X:\clientb\095511\9078\A1268371.1

AUG 19 2005

DESIGN  
PATENT APPLICATION  
TRANSMITTAL

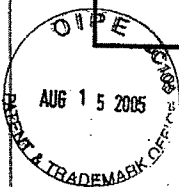
Attorney Docket No. 95372-9176-00

First Named Inventor

William C. Dobson

Express Mail Label  
No.

EL402998364US



Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104443 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.

The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

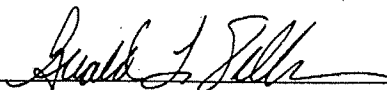
**COPY**

AUG 19 2005

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

  
Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty: CBA  
Resp Atty: GLF

AUG 19 2005



Application No. 29/20882

Not

PTO/SB/44

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO: D444,664 *S 29/20882*  
DATED July 10, 2001  
INVENTOR(S): William C. Dobson and Scott T. Pollnow

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

*title page insert item (c3),*  
On the ~~first~~ *title page* of the patent beneath (22), ~~place insert~~ --Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

**MAILING ADDRESS OF SENDER:**

Christopher B. Austin, Esq.  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108

PATENT NO. D444,664

No. of additional copies

1

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AUG 19 2005

## **EXHIBIT E – Part 7**

PTO/SB/44

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO: D444,664  
DATED July 10, 2001  
INVENTOR(S): William C. Dobson and Scott T. Pollnow

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the patent beneath (22), please insert--Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

MAILING ADDRESS OF SENDER:  
Christopher B. Austin, Esq.  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108

PATENT NO. D444,664

No. of additional copies

1

AUG 19 2005

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AUG 19 2005

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

: 10/4/05

Paper No.:

8

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D 444 604

A response is requested with respect to the accompanying request for a certificate of correction.

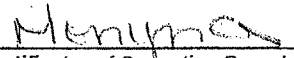
Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-915

Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

  
 Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☒ Denied

State the reasons for denial below.

Comments:

See the attached letter.

SPE

2913  
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : Des. 444,664 S  
APPLICATION NO. : 29/120882  
DATED : July 10, 2001  
INVENTOR(S) : William C. Dobson and Scott T. Pollnow

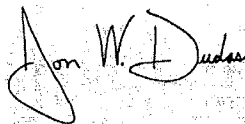
Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page insert item (63), beneath (22), --Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

Signed and Sealed this

Third Day of October, 2006



JON W. DUDAS  
*Director of the United States Patent and Trademark Office*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20051223

DATE : December 23, 2005

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D444664

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

**Certificates of Correction Branch - PK 3-910**

Palm location 7590 - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

Specify below which changes **do not** apply.

☒ Denied

State the reasons for denial below.

Comments:

See the attached letter.

SPE: Caron D. Veynar

*C. Veynar*

Art Unit 2913

Application/Control Number: 29/120,882  
Art Unit: 2913

Page 2

The present claim, 29/120,882 is not considered a continuation because claimed design is a change in scope from application 29/097,446 and not entitled to any continuity.

201.07 [R-3] Continuation Application

A continuation is a second application for the same invention claimed in a prior nonprovisional application and filed before the original prior application becomes abandoned or patented. The continuation application may be filed under 37 CFR 1.53(b) (or 1.53(d) if the application is a design application). The applicant in the continuation application must include at least one inventor named in the prior nonprovisional application. The disclosure presented in the continuation must be the same as that of the original application; i.e., the continuation should not include anything which would constitute new matter if inserted in the original application. The continuation application must claim the benefit of the prior nonprovisional application under 35 U.S.C. 120 or 365(c). >For more information on claiming the benefit of a prior nonprovisional application, see MPEP § 201.11.

  
CARON D. VEYNAR  
SUPERVISORY PATENT EXAMINER



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#9  
1/2

Date: February 15, 2006

Patent No.: Des 444,664  
Inventor(s): Dobson et al  
Issued: July 10, 2001

For: Cooker

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction in the above-identified patent under Rule 1.322.

The present claim, 29/120,882 is not considered a continuation because claimed design is a change in scope from application 29/097,446 and not entitled to any continuity.

In view of the foregoing, your request, in this matter is hereby denied. Future correspondence concerning this matter should be filed and directed to Decision & Certificate of Correction Branch.

*For Marybeth Dobson*  
Cecelia B. Newman, Supervisor  
Decisions & Certificates of  
Correction Branch  
(703) 305-8309

Christopher B. Austin  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108



**DO NOT SCAN!** Please forward case and paper to address shown below.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : July 21, 2006

Paper No.: 18

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/120882 Patent No.: D444,664

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580

Certificates of Correction Branch  
703-308-9390 ext. \_\_\_\_\_

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: The previous denial, paper #8, was that was  
given by SPE was in error. Please approve changes  
in the CofC dated 8/19/2005

Caron D Veynar

CARON D. VEYNAR  
SUPERVISORY PATENT EXAMINER

2913

SPE

Art Unit

ISSUE SLIP STAPLE AREA (for additional cross references)

POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION			
O.I.P.E. CLASSIFIER			
FORMALITY REVIEW	YC	70017	5-4-10
RESPONSE FORMALITY REVIEW			

SEARCHED			
Class	Sub.	Date	Exmr
D7	323 354-361		
99	324 325 340 347 403 413 419 420 411	9/5/2000	CDV

[illegible]

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INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.
D7	354	2/7/2001	COV

EMBODIMENTS FILED
ONE

## **EXHIBIT F – Part 1**

**D444993**

0444993

PD SCANNED	O.I.P.E. L.A. Q.A.	PATENT DATE JUL 17 2001
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CLASS D7	SUBCLASS 354	ART UNIT 2913	EXAMINER VAINAN, C
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**APPLICANT(S):**

# Certificate

OCT 03 2006

# of Correction

ISSUING CLASSIFICATION												
ORIGINAL				CROSS REFERENCE(S)								
CLASS		SUBCLASS		CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)							
07		354										
INTERNATIONAL CLASSIFICATION												
			07-02									

☐ Continued on Issue Slip Inside File Jacket

<input checked="" type="checkbox"/> <b>TERMINAL DISCLAIMER</b>	<b>DRAWINGS</b>		<b>NOTICE OF ALLOWANCE MAILED</b>	
	Sheets Drwg. <div style="text-align: center;">7</div>	Figs. Drwg. <div style="text-align: center;">7</div>	Print Fig. <div style="text-align: center;">1</div>	<div style="text-align: center; font-size: 2em;">2/08/01</div>
<input type="checkbox"/> The term of this patent subsequent to _____ (date) has been disclaimed.	<div style="text-align: center;">          _____          (Assistant Examiner)       </div>		<div style="text-align: center;"> <b>ISSUE FEE</b> <span style="font-size: 1.5em;">JM</span> </div>	
<input checked="" type="checkbox"/> The term of this patent shall not extend beyond the expiration date of U.S. Patent No. <u>D437,266</u>	<div style="text-align: center;"> <b>CARON D. VEYNAR</b>  <b>PRIMARY EXAMINER</b>  <b>GROUP 2900</b> </div> <div style="text-align: center; margin-top: 20px;"> <u>Caron D. Veynar</u> <u>2/7/2001</u>          (Primary Examiner) (Date)       </div>		Amount Due <div style="text-align: center; font-size: 1.5em;">440.00</div>	Date Paid <div style="text-align: center; font-size: 1.5em;">5/11/01</div>
<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed.	<div style="text-align: center;"> <u>Diane Williams</u> <u>2/8/01</u>          (Legal Instruments Examiner) (Date)       </div>		<div style="text-align: center;"> <b>ISSUE BATCH NUMBER</b> </div>	
<b>WARNING:</b> The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.				



DESIGN



29120883

JC542 U.S.  
29/12083

03/28/00 INITIALS

APR 13 00 29

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## CONTENTS

Date Received  
(Incl. C. of M.)  
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Date Mailed

9/11	1. Application papers.	9.11.00
12-19	2. Rep 3 ma	12-14-00 m/m 12-11-00
	3. Direct A w/dwgs	12-14-00
2/8=	4. Terminal Dir.	2/8/01
	5. Notice Allowability	2/8/01
	6. Notice Allowance	8/15/05
	7. C. of M.	10/1/05
	8. Direct Rep 3 Report	2/15/06
	9. DENIED	8-21-06
	10. Directory Report	8-21-06
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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

04/03/2000 Y6IZAW 00000042 29120883

01 FC:106 310.00 OP

PTO-1556  
(5/87)

\*U.S. GPO: 1999-459-082/19144

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Bib Data Sheet



UNITED STATES DEPARTMENT OF  
COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

<b>SERIAL NUMBER</b> 29/120,883	<b>FILING DATE</b> 03/28/2000 <b>RULE</b>	<b>CLASS</b> DOTD 7	<b>GROUP ART UNIT</b> 2900	<b>ATTORNEY DOCKET NO.</b> 95372-9175
<b>APPLICANTS</b> William C Dobson, West Bend, WI ; Scott T Pollnow, West Bend, WI ;				
<b>** CONTINUING DATA *****</b> none cov				
<b>** FOREIGN APPLICATIONS *****</b> none cov				
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/03/2000</b>				
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		<b>STATE OR COUNTRY</b> WI	<b>SHEETS DRAWING</b> 7	<b>TOTAL CLAIMS</b> 1
35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged <u>Charles D. Vayner</u> Examiner's Signature Initials				
<b>ADDRESS</b> Gearld H Fellows Michael Best & Freidrich LLP 100 East Wisconsin Avenue Milwaukee, WI 53202				
<b>TITLE</b> Cooker				
<b>FILING FEE RECEIVED</b> 310	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees	
			<input type="checkbox"/> 1.16 Fees ( Filing )	
			<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )	
			<input type="checkbox"/> 1.18 Fees ( Issue )	
			<input type="checkbox"/> Other _____	
		<input type="checkbox"/> Credit		



03/28/00  
JC781 U.S. PTO

03-27-00

<b>DESIGN PATENT APPLICATION TRANSMITTAL</b>	<i>Attorney Docket No.</i>	95372-9175-00
	<i>First Named Inventor</i>	
	William C. Dobson	
	<i>Express Mail Label No.</i>	EL402998355US

A/DES

Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

JC542 U.S. PTO  
29/120883  
03/28/00

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104441 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.

The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

Edward L. Tull

Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

[illegible]

03-27-00

<b>DESIGN PATENT APPLICATION TRANSMITTAL</b>	<i>Attorney Docket No.</i>	95 75-00
	<i>First Named Inventor</i>	
	William C. Dobson	
	<i>Express Mail Label No.</i>	EL402998355US

D /  
A / DES

JC781 U.S. PTO  
03/28/00

Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

JC542 U.S. PTO  
29/120883  
03/28/00

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
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West Bend, WI 53095

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West Bend, WI 53090

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Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald L. Fellows", written over a horizontal line.

Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

PATENT

Attorney Docket No. 95372-9175

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail No. EL402998355US in an envelope addressed to: Box Patent Applications, Assistant Commissioner for Patents, Washington, D.C. 20231 on March 28, 2000.

Date: March 28, 2000

Michael Best & Friedrich LLP

Ellen R. Webb  
Ellen R. Webb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
SPECIFICATION AND CLAIM OF DESIGN PATENT APPLICATION

(a) We, William C. Dobson and Scott T. Pollnow

have invented a design for a COOKER

(b) A description of each of the figures is as follows:

FIG. 1 is a perspective view of a COOKER constructed in accordance with one preferred embodiment of the invention;

FIG. 2 is an elevation view of the front of the COOKER shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the COOKER shown in FIGS. 1 and 2;

FIG. 4 is an elevation view of the right of the COOKER shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the COOKER shown in FIGS. 1, 2, 3 and 4;

FIG. 6 is a top plan view of the COOKER shown in FIGS. 1, 2, 3, 4 and 5;

FIG. 7 is a bottom plan view of the COOKER shown in FIGS. 1, 2, 3, 4, 5 and 6.

AT-0001  
We claim:

The ornamental design for a COOKER as shown and described.

1-Mar-99 10:53am From-MICHAEL BF

+4142770656

T-742 P.02/05 F-364

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on an ornamental design for a "COOKER" (Attorney Docket No. 95372/9059), the specification of which was filed on December 7, 1998, and bears serial No. 29/097,446.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint JOSEPH A. GEMIGNANI, (Reg. No. 19,482), ROBERT E. CLEMENCY (Reg. No. 19,287), DAVID B. SMITH (Reg. No. 27,595), GLENN A. BUSE (Reg. No. 24,217), FRED WIVIOTT (Reg. No. 19,158), DAVID R. PRICE (Reg. No. 31,557), BAYARD H. MICHAEL (Reg. No. 15,974), CASIMIR F. LASKA (Reg. No. 30,862), DAVID L. DEBRUIN (Reg. No. 35,489), TIMOTHY M. KELLEY (Reg. No. 34,201), BILLIE JEAN STRANDT (Reg. No. 36,940), THOMAS A. MILLER (Reg. No. 36,871), KEVIN P. MORAN (Reg. No. 37,193), GERALD L. FELLOWS (Reg. No. 36,133), EDWARD R. LAWSON (Reg. No. 41,931), JAMES A. COLLINS (Reg. No. P-43,557), DANIEL S. JONES (Reg. No. 42,697), ANDREW R. PERET (Reg. No. 41,246), RANDALL W. FIELDHACK (Reg. No. P-43,611), CHRISTOPHER B. AUSTIN (Reg. No. 41,592), GRADY J. FRENCHICK (Reg. No. 29,018), TERESA J. WELCH (Reg. No. 33,049), LINDA BLAIR MEIER (Reg. No. 39,769), PAUL F. DONOVAN (Reg. No. 39,962) and KAREN B. KING (Reg. No. 41,898), Michael Best & Friedrich LLP; and ROBERT S. BEISER (Reg. No. 28,687) and WITOLD Z. ZIARNO (Reg. No. 39,888), Michael Best & Friedrich (Illinois), and each or any of them, my attorneys or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

T-742 P.03/05 F-364

-2-

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

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ADDRESS ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: William C. Dobson

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: West Bend, WI  
 Citizenship: United States  
 Post Office Address: 1941 Frontier Court  
 West Bend, WI 53095

Full name of second joint inventor: Scott T. Pollnow

Inventor's signature *Scott T. Pollnow* 3/12/99  
 Date

Residence: West Bend, WI  
 Citizenship: United States  
 Post Office Address: 1608 Beverly Lane  
 West Bend, WI 53090

11-Mar-99 10:54am From: MICHAEL B. L.

+4142770856

T-742 P.04/05 F-364

A S S I G N M E N T

For and in consideration of the sum of One Dollar  
(\$1.00) to us:

William C. Dobson  
1941 Frontier Court  
West Bend WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

paid by Premark WB Holdings, Inc. (hereafter "Assignee"), a  
Delaware corporation having its principal place of business  
at:

300 Delaware Avenue  
Wilmington, DE 19801

and for other valuable and sufficient consideration, receipt  
whereof is hereby acknowledged, we hereby sell, assign and  
convey, unto Assignee, its successors and assigns, our entire  
right, title and interest -

(1) in and to an ornamental design entitled  
"COOKER" for which we have executed United States Design  
Patent Application Serial No. 29/097,446, filed December 7,  
1998 (hereafter "the Application");

(2) in and to the Application, in and to all other  
corresponding patent applications including divisional,  
continuation, continuation-in-part and reissue applications,  
and in and to the patent or patents to be granted therefrom,  
including reissues thereof;

(3) in and to all patent applications corresponding  
to the Application filed in countries foreign to the United  
States of America, and in and to any and all patents granted  
on said applications; and

(4) under the International Convention in respect  
to the Application, I agree that any patent applications of  
any foreign countries which may be filed shall be filed in the

11-Mar-99 1:04am From-MICHAEL Best

+4142770656

T-742 P.05/05 F-364

name of Assignee with a claim to priority based on the Application.

We hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be deemed necessary by Assignee, its successors or assigns to a complete fulfillment of the intent and purposes of this Assignment. It is understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns.

The Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue any patents issuing from the Application to Assignee.

Signed at West Bend Co.  
this 11 day of March, 1999.

William C. Dobson  
William C. Dobson

Signed at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

Scott T. Pollnow  
Scott T. Pollnow

A S S I G N M E N T

For and in consideration of the sum of One Dollar  
(\$1.00) to us:

William C. Dobson  
1941 Frontier Court  
West Bend WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

paid by Premark WB Holdings, Inc. (hereafter "Assignee"), a  
Delaware corporation having its principal place of business  
at:

300 Delaware Avenue  
Wilmington, DE 19801

and for other valuable and sufficient consideration, receipt  
whereof is hereby acknowledged, we hereby sell, assign and  
convey, unto Assignee, its successors and assigns, our entire  
right, title and interest -

- (1) in and to an ornamental design entitled  
"COOKER" for which we have executed United States Design  
Patent Application Serial No. 29/097,446, filed December 7,  
1998 (hereafter "the Application");
- (2) in and to the Application, in and to all other  
corresponding patent applications including divisional,  
continuation, continuation-in-part and reissue applications,  
and in and to the patent or patents to be granted therefrom,  
including reissues thereof;
- (3) in and to all patent applications corresponding  
to the Application filed in countries foreign to the United  
States of America, and in and to any and all patents granted  
on said applications; and
- (4) under the International Convention in respect  
to the Application, I agree that any patent applications of  
any foreign countries which may be filed shall be filed in the

name of Assignee with a claim to priority based on the Application.

We hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be deemed necessary by Assignee, its successors or assigns to a complete fulfillment of the intent and purposes of this Assignment. It is understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns.

The Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue any patents issuing from the Application to Assignee.

Signed at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
William C. Dobson

Signed at \_\_\_\_\_  
this 12 day of March, 1999.

Scott T. Pollnow  
Scott T. Pollnow

## **EXHIBIT F – Part 2**

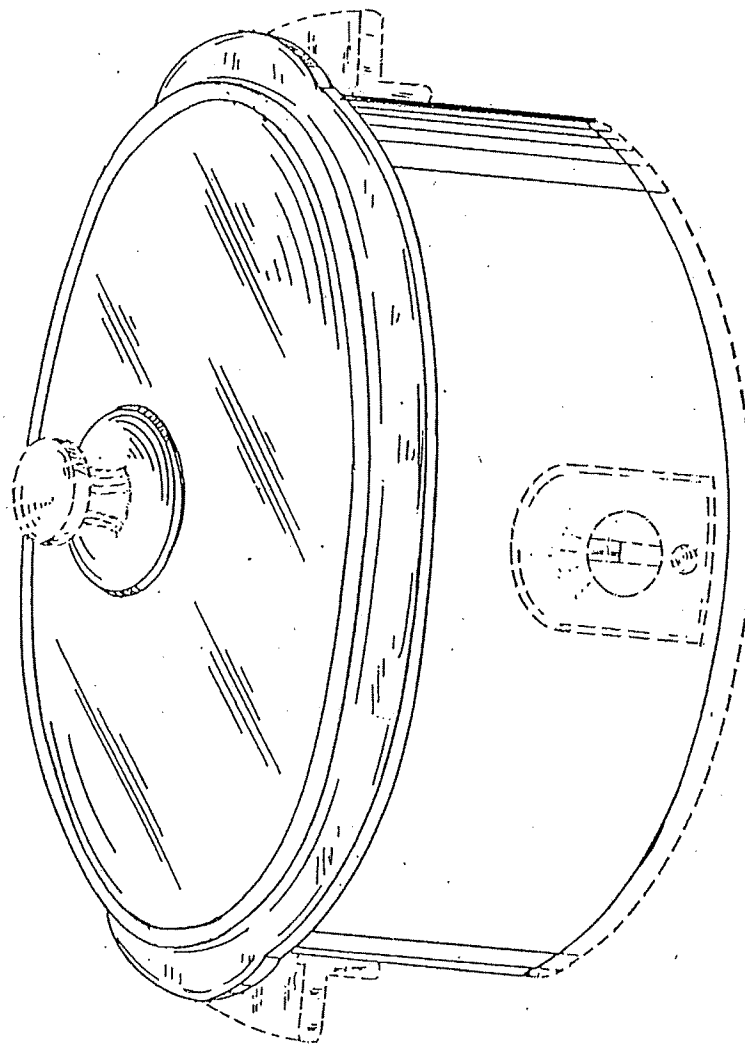


Fig. 1

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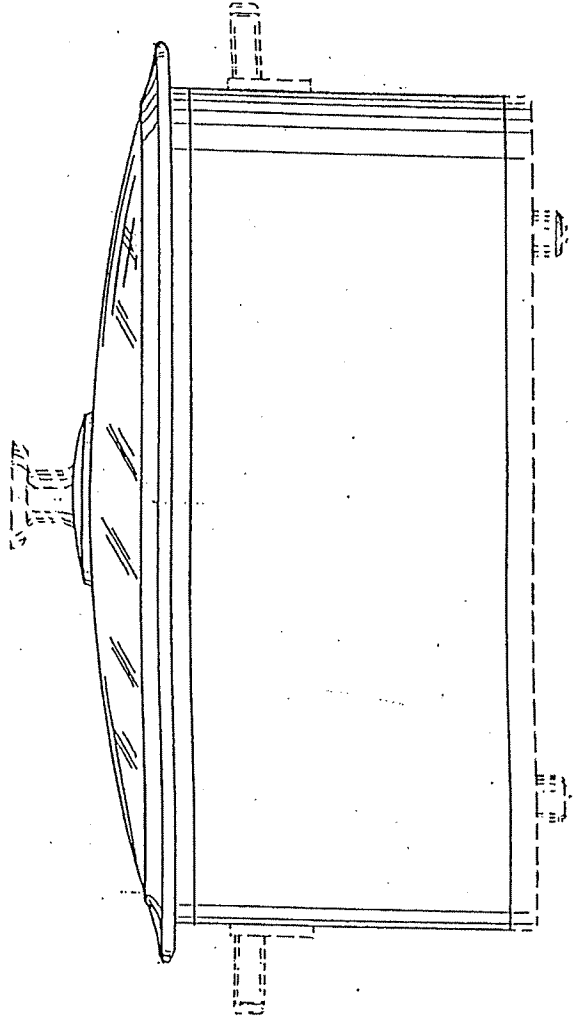
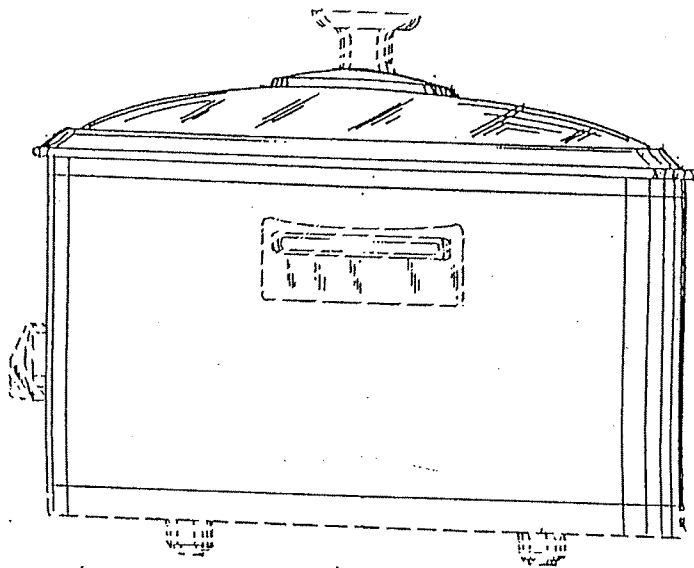
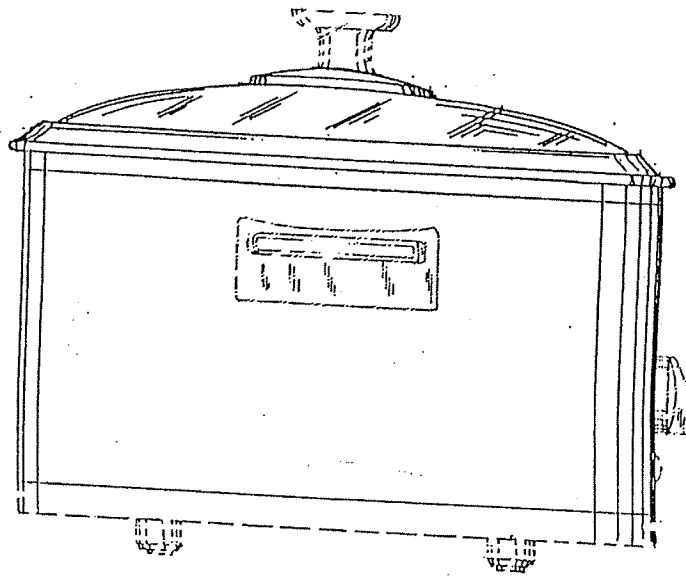


Fig. 3



*Fig. 4*



*Fig. 5*

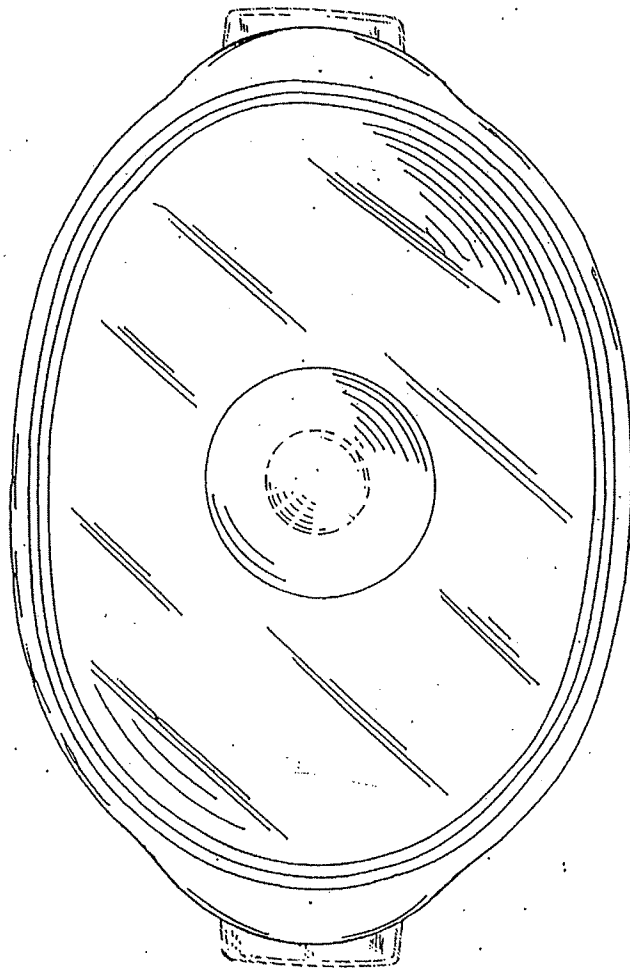


Fig 6

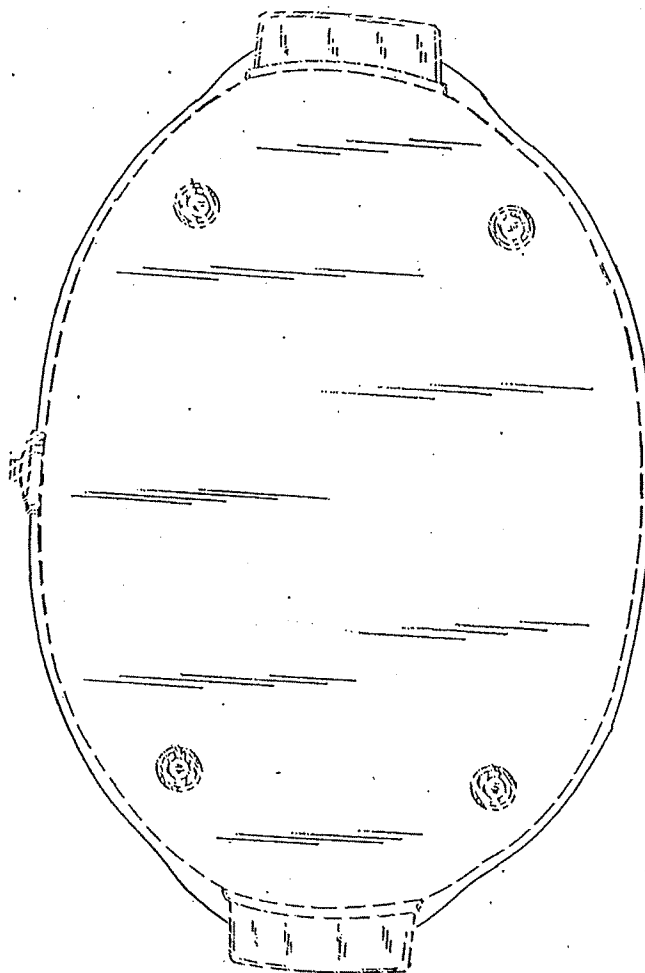


Fig 7

**PRINT OF DRAWINGS  
AS ORIGINALLY FILED**

29/120883

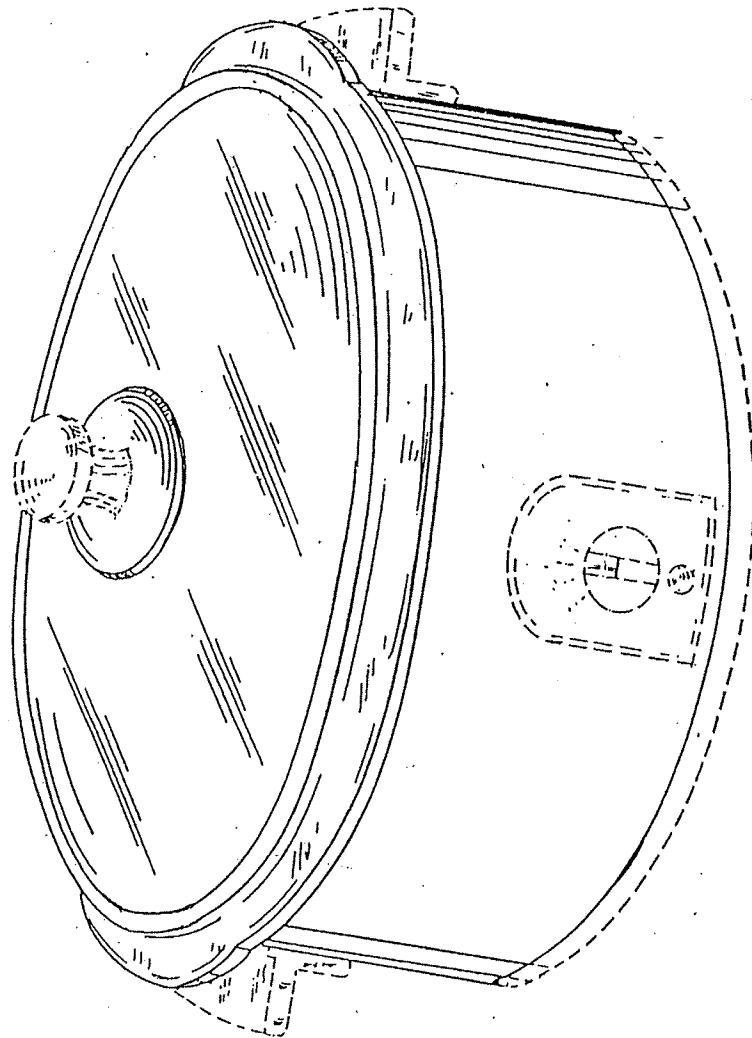


Fig. 1

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29/120883

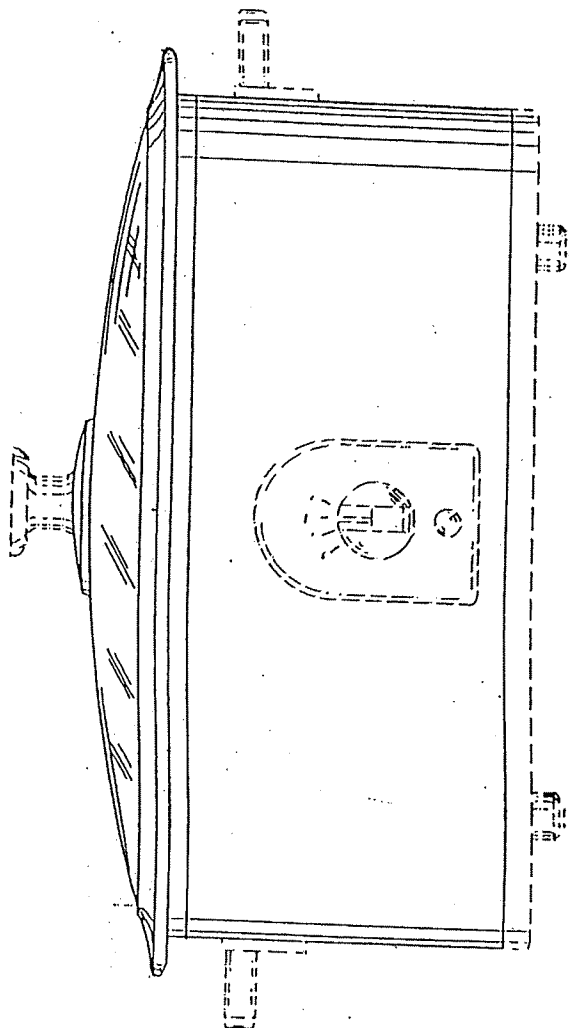


Fig. 2

000000-000000

PRINT OF DRAWINGS  
AS ORIGINALLY FILED

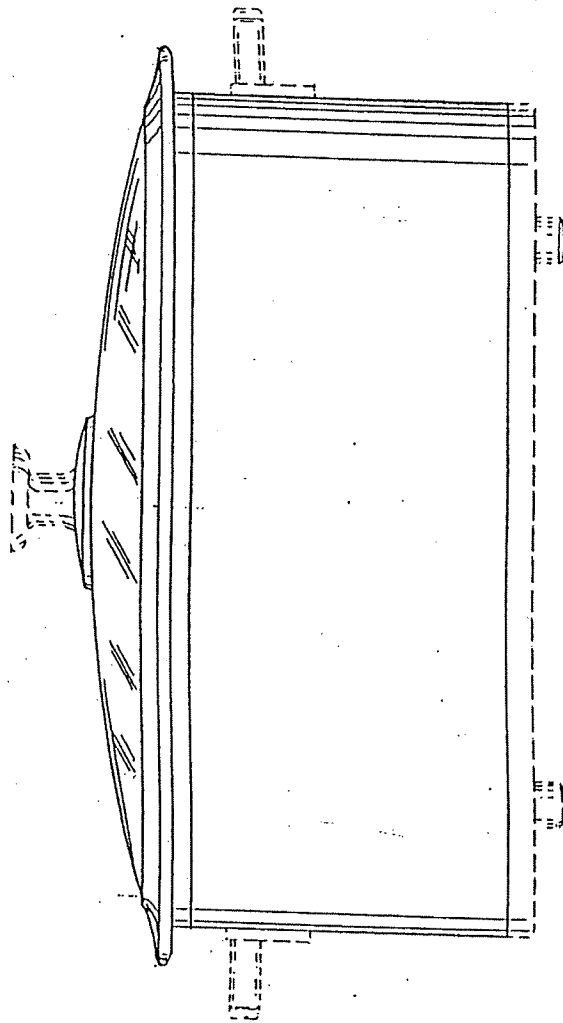
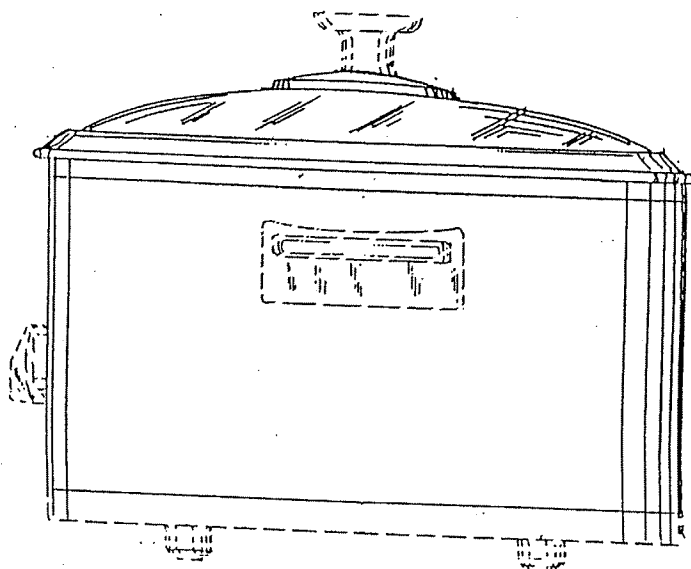


Fig. 3

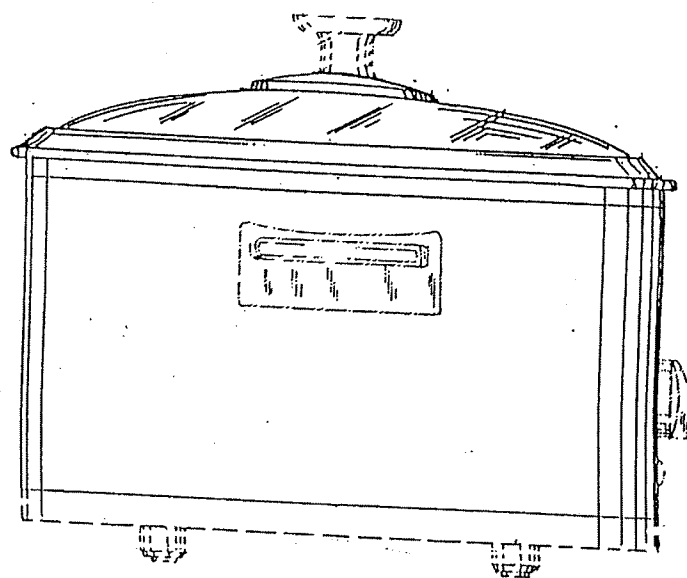


PRINT OF DRAWINGS  
AS ORIGINALLY FILED



*Fig. 4*

PRINT OF DRAWINGS  
AS ORIGINALLY FILED



*Fig. 5*

PRINT OF DRAWINGS  
AS ORIGINALLY FILED

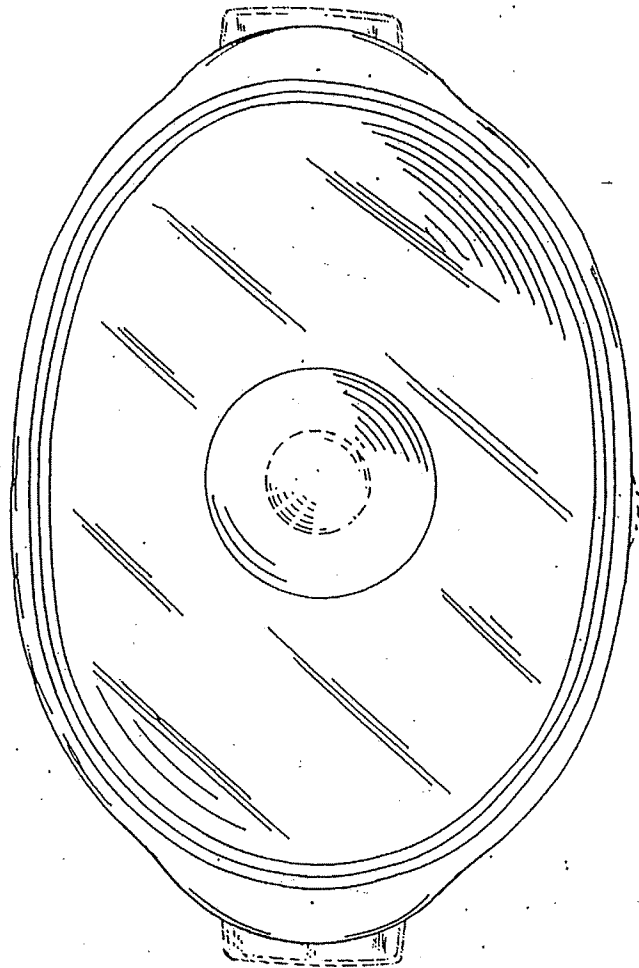


Fig. 6

PRINT OF DRAWINGS  
AS ORIGINALLY FILED

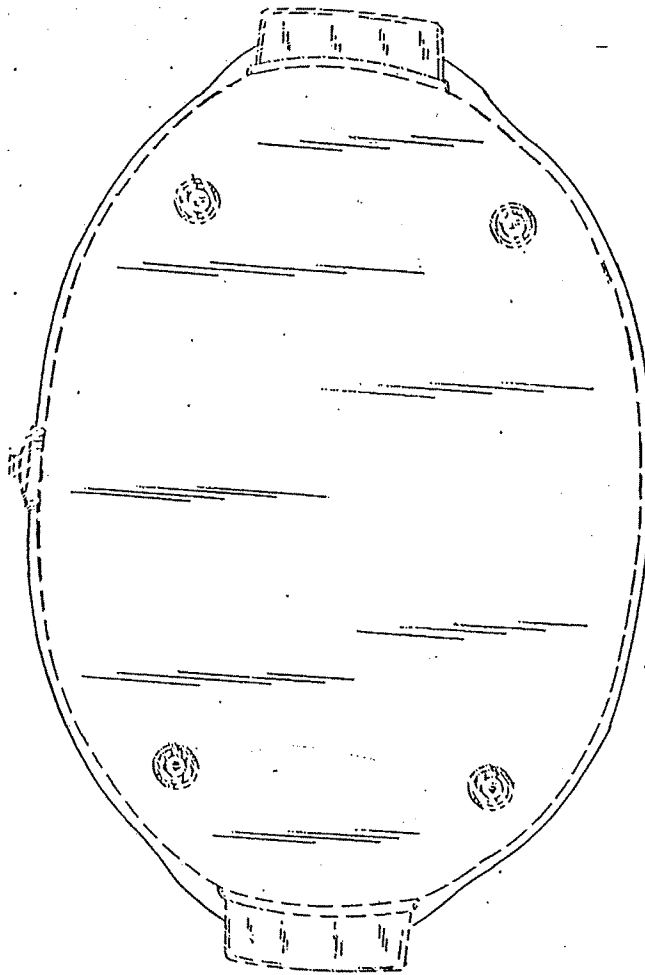


Fig. 7



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
29/120,883	03/28/00	DOBSON	W 95372-9175

Gerald H Fellows  
Michael Best & Freidrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

NM12/0911

EXAMINER

VEYNAR, C

ART UNIT

PAPER NUMBER


2913

DATE MAILED:

09/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>29/120,883</b>	Applicant(s) <b>Dobson et al</b>	
	Examiner <b>Caron D. Veynar</b>	Group Art Unit <b>2913</b>	

☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) The single claim is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) The single claim is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 28, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 29/120,883

Page 2

Art Unit: 2913

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The claim is provisionally rejected under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application Nos. 29/120,985 and 29/120,882.

Although the conflicting claims are not identical, they are not patentably distinct from each other because merely disclaiming the bottom line or portion of the cooker and the knob on the cover does not change the overall visual appearance and is not patentably distinct over 29/120,882 because merely disclaiming the feet and the knob on the cover, again does not change the overall visual appearance. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

It is well settled that it is unobviousness in the overall appearance of the claimed design, when compared with the prior art, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design patentability. See *In re Frick*, 275

Application/Control Number: 29/120,883

Page 3

Art Unit: 2913

F2d 741, 125 USPQ 191 (CCPA 1960) and *In re Lamb*, 286 F2d 610, 128 USPQ 539 (CCPA 1961).

2. The drawings are objected to by the Official Draftsman as per the enclosed form PTO-948. In addition, surface shading should not extend into the broken line disclosure of the bottom portion of the cooker shown in Figs. 1 - 5.

Proposed corrected drawings are now needed.

3. Immediately after the figure descriptions the following statement must be added:

-- The broken line showings in Figs. 1 - 7 are for illustrative purposes only and form no part of the claimed design. --

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Caron Veynar, whose telephone number is (703) 305-3162. The examiner can normally be reached on Monday - Thursday from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris Coles, can be reached at (703) 305-3107. The FAX phone number for this group is (703) 308-2742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3290.

C.D. Veynar  
September 10, 2000

*Caron D. Veynar*  
**CARON D. VEYNAR**  
**PRIMARY EXAMINER**  
**GROUP 2900**



## **EXHIBIT F – Part 3**

FORM PTO 948 (REV. 01-97)

U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

Application No. 29/120,883

### NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

The drawing filed (insert date) 3-28-00 are:A.        not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B.        objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

- |   |  |
|---|--|
| <p>1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:<br/>         Black ink. Color.<br/>               Color drawing are not acceptable until petition is granted.<br/>               Fig.(s) _____<br/>               Pencil and non black ink is not permitted. Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84(b)<br/>               Photographs are not acceptable until petition is granted,<br/>               3 full-tone sets are required. Fig(s) _____<br/>               Photographs not properly mounted (must byristol board or<br/>               photographic double-weight paper). Fig(s) _____<br/>               Poor quality (half-tone). Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(e)<br/>               Paper not flexible, strong, white and durable.<br/>               Fig.(s) _____<br/>               Erasures, alterations, overwritings, interlineations,<br/>               folds, copy machine marks not acceptable. (too thin)<br/>               Mylar, vellum paper is not acceptable (too thin).<br/>               Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:<br/>               21.0 cm by 29.7 cm (DIN size A4)<br/>               21.6 cm by 27.9 cm (8 1/2 x 11 inches)<br/>               All drawings sheets not the same size.<br/>               Sheet(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins:<br/>               Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm<br/>               SIZE: A4 Size<br/>               Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm<br/>               SIZE: 8 1/2 x 11<br/>               Margins not acceptable. Fig(s) _____<br/>               Top (T) _____ Left (L) _____<br/>               Right (R) _____ Bottom (B) _____</p> <p>6. VIEWS. 37 CFR 1.84(h)<br/>         REMINDER: Specification may require revision to<br/>         correspond to drawing changes.<br/>               Views connected by projection lines or lead lines.<br/>               Fig.(s) _____<br/>         Partial views. 37 CFR 1.84(h)(2)<br/>               Brackets needed to show figure as one entity.<br/>               Fig.(s) _____<br/>               Views not labeled separately or properly.<br/>               Fig.(s) _____<br/>               Enlarged view not labeled separately or properly.<br/>               Fig.(s) _____</p> | <p>7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)<br/>               Hatching not indicated for sectional portions of an object.<br/>               Fig.(s) _____<br/>               Sectional designation should be noted with Arabic or<br/>               Roman numbers. Fig.(s) _____</p> <p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)<br/>               Words do not appear on a horizontal, left-to-right fashion when<br/>               page is either upright or turned, so that the top becomes the right<br/>               side, except for graphs. Fig.(s) _____<br/>               Views not on the same plane on drawing sheet. Fig.(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k)<br/>               Scale not large enough to show mechanism with crowding<br/>               when drawing is reduced in size to two-thirds in reproduction.<br/>               Fig.(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)<br/>               Lines, numbers &amp; letters not uniformly thick and well defined,<br/>               clean, durable and black (poor line quality).<br/>               Fig.(s) <u>1-7</u></p> <p>11. SHADING. 37 CFR 1.84(m)<br/>               Solid black areas pale. Fig.(s) _____<br/>               Solid black shading not permitted. Fig.(s) _____<br/>               Shade lines, pale, rough and blurred. Fig.(s) _____</p> <p>12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.<br/>         37 CFR 1.84(p)<br/>               Numbers and reference characters not plain and legible.<br/>               Fig.(s) _____<br/>               Figure legends are poor. Fig.(s) <u>1-7</u><br/>               Numbers and reference characters not oriented in the same<br/>               direction as the view. 37 CFR 1.84(p)(3) Fig.(s) _____<br/>               English alphabet not used. 37 CFR 1.84(p)(3) Fig.(s) _____<br/>               Numbers, letters and reference characters must be at least<br/>               .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q)<br/>               Lead lines cross each other. Fig.(s) _____<br/>               Lead lines missing. Fig.(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)<br/>               Sheets not numbered consecutively, and in Arabic numerals<br/>               beginning with number 1. Fig.(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u)<br/>               Views not numbered consecutively, and in Arabic numerals,<br/>               beginning with number 1. Fig.(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w)<br/>               Corrections not made from PTO-948 dated _____</p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152<br/>               Surface shading shown not appropriate. Fig.(s) _____<br/>               Solid black shading not used for color contrast.<br/>               Fig.(s) _____</p> |
|---|--|

COMMENTS

REVIEWER JcDATE 5-5-00TELEPHONE NO. 703-305-8430ATTACHMENT TO PAPER NO. 2

PTO COPY

703-305-8430

<b>Notice of References Cited</b>			Application No. <b>29/120,883</b>		Applicant(s) <b>Dobson et al</b>	
			Examiner <b>Caron D. Veynar</b>		Group Art Unit <b>2913</b>	
					Page 1 of 1	
<b>U.S. PATENT DOCUMENTS</b>						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	D104914	6/1937	Coss	D7	360	
B	D416434	11/1999	Pollnow	D7	360	
C	D420246	2/2000	Alonge et al	D7	360	
D	D425360	5/2000	Dobson et al	D7	360	
E	D429596	8/2000	Hlava et al	D7	360	
F						
G						
H						
I						
J						
K						
L						
M						
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						
<b>NON-PATENT DOCUMENTS</b>						
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
U						
V						
W						
X						

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2913

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DEC 15 2000

TECH CENTER 12/15/2000

In re Patent Application

Dobson

Serial No.: 29/120,883

Filed: March 28, 2000

Examiner: Caron D. Veynar

Title: "COOKER"

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

*Ellen R. Webb*  
Signature

December 11, 2000  
Date of Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

No additional fees are required.

CLAIMS AS AMENDED						
(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS		MINUS			X \$18	
INDEP. CLAIMS		MINUS				
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ----		

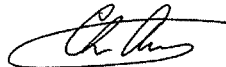
\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

Please charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of fees. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

File No. 95372-9175

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED  
3/amt/2000/day  
CS 12-19-00  
TECH CENTER 1/11/2001  
CJm 12-11-00

In re application of: William C. Dobson ) Group Art Unit: 2913  
Serial No.: 29/120,883 )  
Filed: March 28, 2000 ) Examiner: Caron D. Veynar  
For: "COOKER" ) Date: December 11, 2000  
Attorney Docket No.: 95372-9175-US001



Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**AMENDMENT**

This Amendment is filed in response to the September 11, 2000 Office Action issued with respect to the above-referenced application, and is filed within the three-month shortened statutory period for response. Accordingly, no extension of time petition or fees are required for the present Amendment.

**IN THE DRAWINGS:**

Entry of formal drawings 1-7 submitted herewith (and the drawing changes described below included therein) is respectfully requested.

**IN THE SPECIFICATION:**

On page 1, after line 13: insert --The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.--

21

2

REMARKS

In section 1 of the Office Action, the claim of the present application is provisionally rejected under the judicially created doctrine of obviousness-type double patenting of the claim of copending application nos. 29/120,985 and 29/120,882. The Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), and therefore submit that the double patenting rejection is overcome.

With regard to the drawing objections mentioned in section 2 of the Office Action and in form PTO-948, the Applicants also submit herewith formal drawings 1-7 to replace the drawings currently on file in the present application. Enclosed formal drawings 1-7 address the objections raised by the Official Draftsman. In addition, the surface shading shown in FIGS. 1-5 does not extend into the broken line disclosure as requested by the Examiner. Also, FIG. 4 has been corrected to show (in broken lines) all the controls visible from the right side of the cooker. This FIG. 4 amendment is made only to correct an obvious error and adds no new matter to the application as originally filed.

In view of the above amendments and remarks it is submitted that the claim is patentably distinct over the prior art, that the rejection and objections to the claim have been overcome, and that the application is in condition for allowance. Entry of this Amendment is therefore respectfully requested. If any issues remain outstanding following entry of the above claim amendments, the Examiner is invited to contact the undersigned Applicant's Representative at (414) 225-8266 to discuss the claim further.

Respectfully submitted,

BY 

Christopher B. Austin  
Attorney for Applicant  
Registration No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
414-225-8266

APPROVED	O.G. FIG. 1	
BY	CLASS	SUBCLASS
DRAFTSMAN	D7	354

1/7

D444993

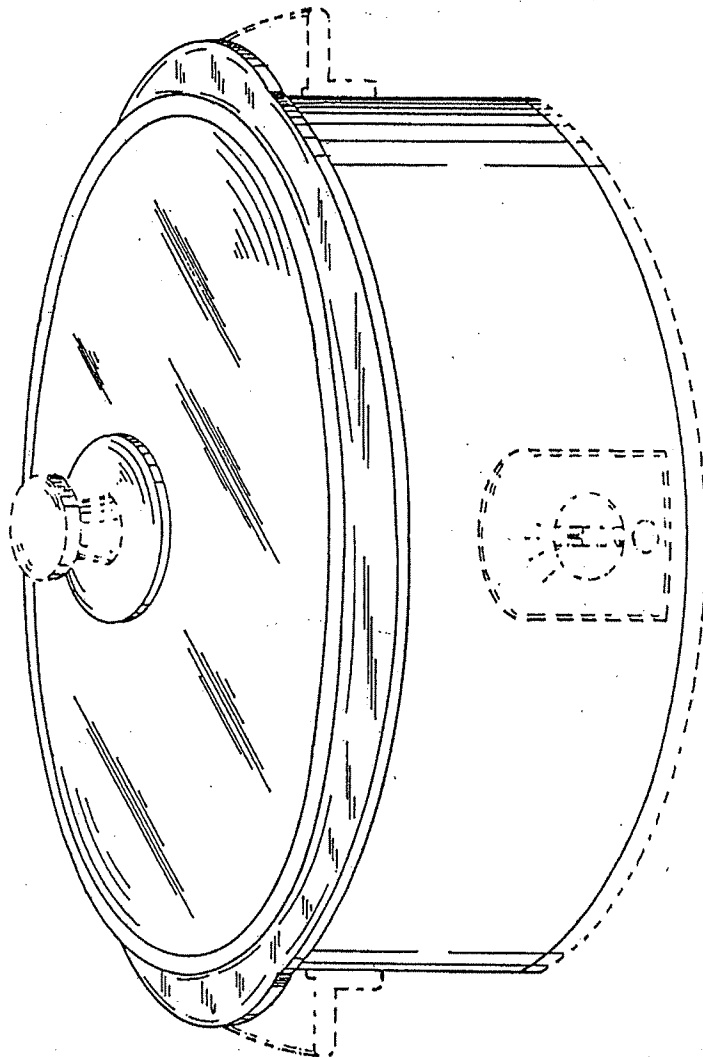


Fig. 1



APPROVED	C.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		

2/7

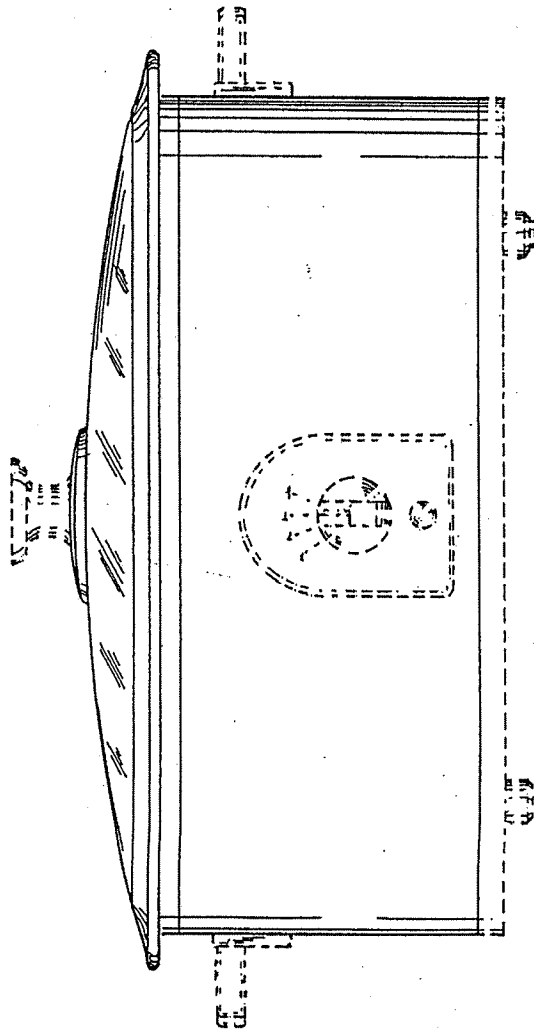
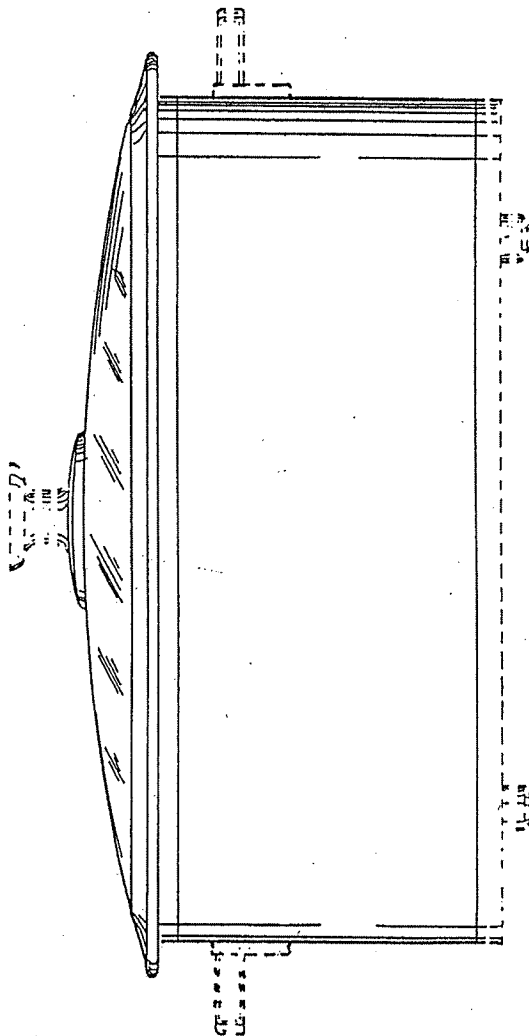


Fig. 2

APPROVED	O.G. HG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		

3/7



APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		

4/7

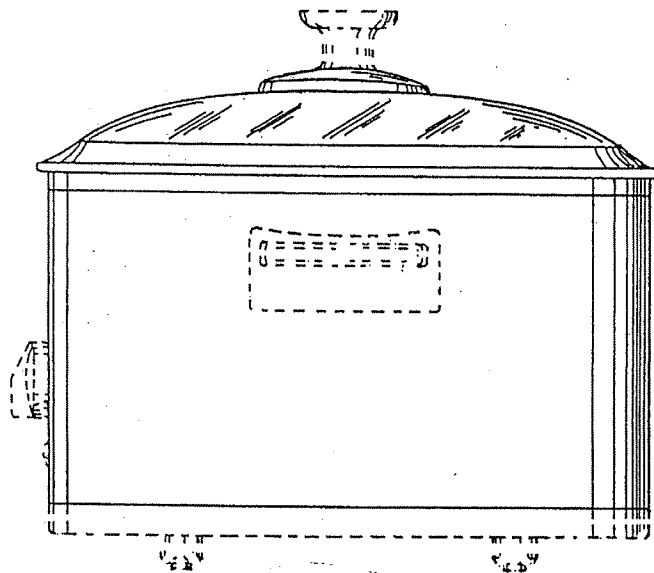


Fig 4

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		

5/7

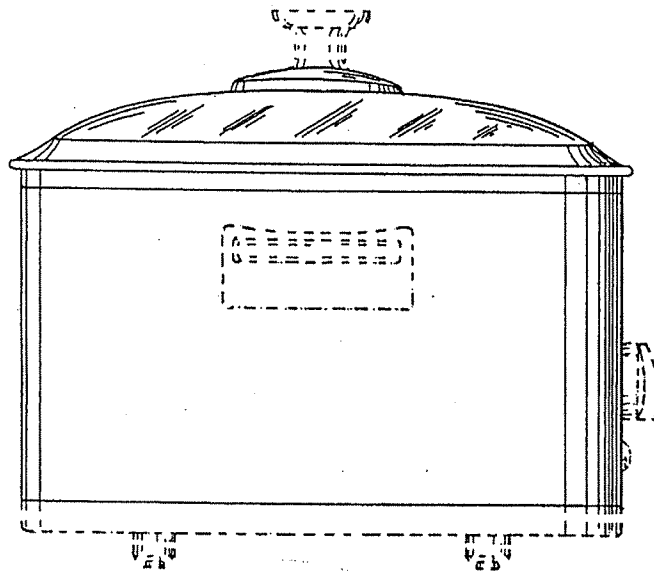


Fig. 5

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		

6/7

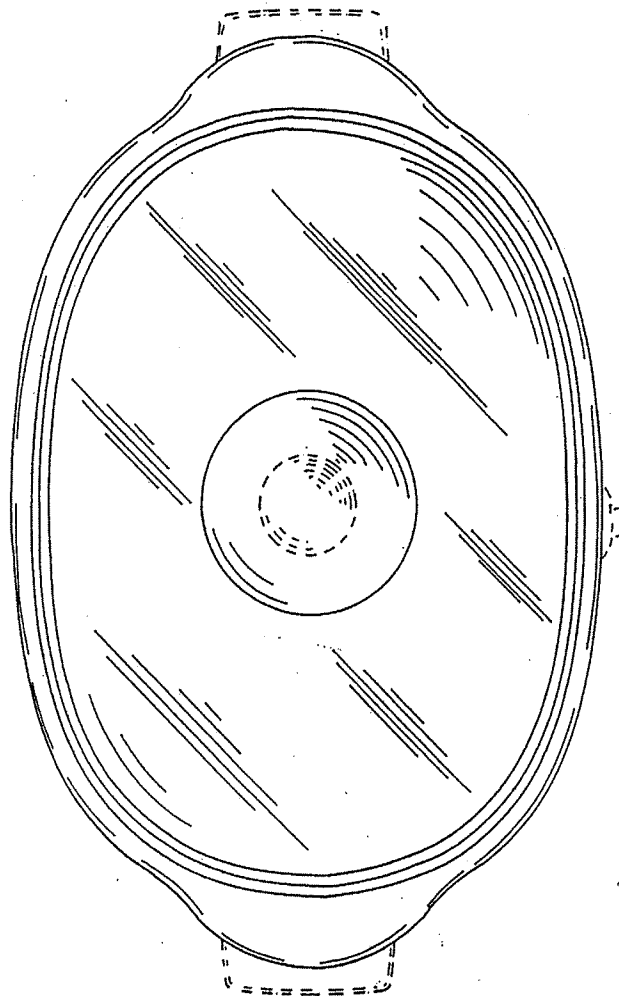


Fig. 6

APPROVED	O.G. FIG.	
BY	CLASS	SUBCLASS
RAFTSMAN		

7/7

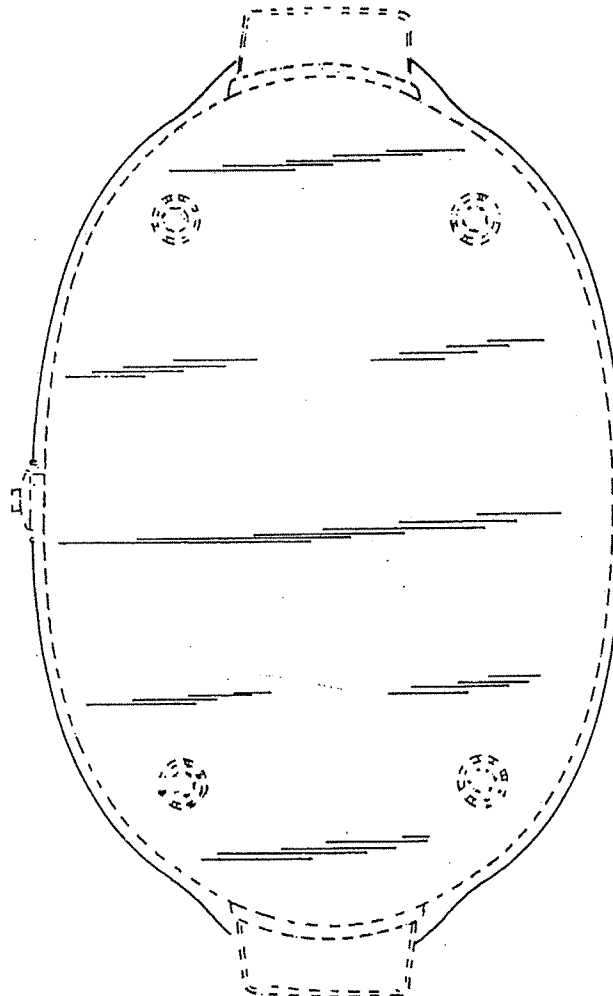


Fig. 7



THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 2913

RECEIVED

DEC 15 2000

TECH CENTER 4400/2000

In re Patent Application of:  
Dobson

Serial No.: 29/120,883

Filed: March 28, 2000

Examiner: Caron D. Veynar

For: "COOKER"

I, Ellen R. Webb, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

  
Signature

December 11, 2000

Date of Signature

TRANSMITTAL LETTER

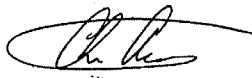
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is a Terminal Disclaimer for the above-titled patent application.

Please charge Deposit Account No. 13-3080 for payment of the required fee. A duplicate of this sheet is enclosed.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

File No. 95372/9175  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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DEC 15 2000

TECH CENTER 1600/2900

In re application of: William C. Dobson ) Group Art Unit: 2913  
 )  
 Serial No.: 29/120,883 ) Examiner: Caron D. Veynar  
 )  
 Filed: March 28, 2000 ) Date: December 11, 2000  
 )  
 For: "COOKER" ) Attorney Docket No.: 95372-9175-US001

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

**TERMINAL DISCLAIMER**

Petitioner, Premark WB Holdings, Inc., is the owner of 100 percent interest in the present application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of United States Design Patent Number 434,266 or a patent granted on United States Design Patent Application Number 29/120,882. Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it, United States Design Patent Number 434,266, and a patent issuing from United States Design Patent Application Number 29/120,882 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors and assigns.

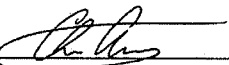
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of United States Design Patent Number 434,266 or a patent granted on United States Design Patent Application Number 29/120,882, in the event that either patent later is held enforceable, is found invalid by a court of competent jurisdiction, is



statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

BY 

Christopher B. Austin  
Attorney for Applicant  
Registration No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
414-271-6560

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	29/120,883	DOBSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Caron D. Veynar	2913	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 Dec. 2000.
2. ☒ The allowed claim(s) is/are the single claim.
3. ☒ The drawings filed on 14 December 2000 are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

1 <input type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
--	---

Application/Control Number: 29/120,883  
Art Unit: 2913

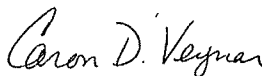
Page 2

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The claim has been reconsidered in view of the amendment and terminal disclaimer received 14 Dec. 2000, both having been entered. The provisional rejection under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application Nos. 29/120,985 and 29/120,882 is now withdrawn and is in condition for allowance.
3. The corrected drawings received 14 Dec. 2000 have been approved by the examiner.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Caron Veynar, whose telephone number is (703) 305-3162. the examiner can normally be reached on Monday - Thursday from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris Coles, can be reached at (703) 305-3107. The FAX phone number for this group is (703) 308-2742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3290.

C.D.Veynar  
February 7, 2001

  
CARON D. VEYNAR  
PRIMARY EXAMINER  
GROUP 2900

## **EXHIBIT F – Part 4**

SUBJ: DECISION ON TERMINAL DISCLAIMER INFORMAL FORMDATE: 1-9-00APPL. S.N.: 291120,883TO EXAMINER: C. VeynarART UNIT: 2913MOSE MONTGOMERY ROOM 11E18MAILROOM DATE 12-14-00AFTER FINAL YES NO NUMBER OF T.D(S). FILED 1

**INSTRUCTIONS:** I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

- ☒ The T.D. is PROPER and has been recorded. (See 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).
- ☐ The recording fee of \$\_\_\_\_\_ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)
- ☐ Application Examiner has not processed T.D. fee. (See fee authorization).
- ☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).
- ☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).
- ☐ It is directed to a particular claim(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).
- ☐ The person who signed the terminal disclaimer:
- ☐ has failed to state his/her capacity to sign for the business entity. (See 14.28).
  - ☐ is not recognized as an officer of the assignee. (See 14.29 and possibly 14.29.01).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).
- ☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).
- ☐ The T.D. is not signed. (See 14.26, 14.26.3) or 14.26.03 if TD is not signed by all the owners.
- ☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3) (For Samples 14.27.04 and 14.27.05)
- ☐ Other: \_\_\_\_\_

☐ Suggestion to request refund of \$\_\_\_\_\_. (See 14.35, 14.36).

☐ **EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP**

**FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:**

- ☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).
- ☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- ☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

NAH12/0206

Georid H Fellner  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,883	03/29/00	001	VEYNAR, C	2913 02/08/01
First Named Applicant	DORSON,	35 USC 154(b) term ext. = 0 Days.		

TITLE OF INVENTION COOKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0 95372-9175	D07-354.000	Y80	DESIGN	NO	\$440.00	05/02/03

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

## HOW TO RESPOND TO THIS NOTICE:

### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- Pay FEE DUE shown above, or
- File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

### II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

### III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

## PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

MAY 15 2001

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Gearld H Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee WI 53202

NM12/0208

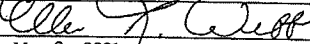
Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Ellen Webb

(Depositor's name)



(Signature)

May 8, 2001

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
29/120,883	03/28/00	001	VEYNAR, C	2913 02/08/01
First Named Applicant DOBSON, 35 USC 154(b) term ext. = 0 Days.				

TITLE OF INVENTION COOKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
0 95372-9175	D07-354.000	Y80	DESIGN	NO	\$440.00	05/08/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Michael Best &amp; Friedrich LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Premark WB Holdings, Inc.

(B) RESIDENCE (CITY & STATE OR COUNTRY)  
Wilmington, DE

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 13-3080

(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee☐ Advance Order - # of Copies \_\_\_\_\_

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) Christopher B. Austin

(Date)

5/8/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

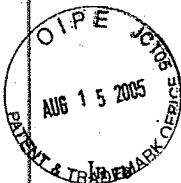
05/14/2001 MFANNE11 00000113 29120883

01 FC:143

440.00 DP

TRANSMIT THIS FORM WITH FEE





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2913

*Handwritten initials and numbers: #7, M/D*

I, Nanci A. Musich, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date of my signature.

*Handwritten signature of Nanci A. Musich*  
\_\_\_\_\_  
Signature

*Handwritten date: August 11, 2005*  
\_\_\_\_\_  
Date of Signature

Patent Application of

William C. Dobson, et. al.

Application No. 29/120,883

Confirmation No.: None

Filed: March 28, 2000

Examiner: Caron D. Veynar

U.S. Patent No. D444,993

Issued: July 17, 2001

"COOKER"

Certificate  
AUG 19 2005  
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents  
ATTN: CERTIFICATE OF CORRECTION BRANCH  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby requested that a Certificate of Correction be issued with respect to Patent No. D444,993, granted July 17, 2001, in accordance with the Certificate of Correction form attached hereto in duplicate.

The error listed on the Certificate of Correction form appears to have been incurred through oversight on the part of the U.S. Patent and Trademark Office, as will be disclosed by the records of files in the Office. The priority application information was recited on the first page of the Design Patent Application Transmittal, a copy of which accompanies this Request.

AUG 19 2005



Please charge any fees associated with this communication to Account  
No. 13-3080.

Respectfully submitted,



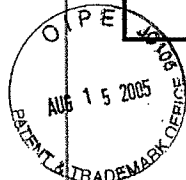
Christopher B. Austin  
Reg. No. 41,592

File No. 095511-9079 US (formerly 95372-9175)

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560

X:\client\095511\9079\A\1265605.1

AUG 19 2005



DESIGN PATENT APPLICATION TRANSMITTAL	Attorney Docket No.	05372-9175-00
	First Named Inventor	
	William C. Dobson	
	Express Mail Label No.	EL402998355US

Assistant Commissioner for Patents  
BOX DESIGNS  
Washington, D.C. 20231

Sir:

Enclosed for filing is a complete continuation design patent application, entitled "COOKER" invented by:

William C. Dobson  
1941 Frontier Court  
West Bend, WI 53095

Scott T. Pollnow  
1608 Beverly Lane  
West Bend, WI 53090

and including the following documents:

Specification including Claims - 1 page  
Drawings - 7 sheets  
Declaration and Power of Attorney  
Assignment to Premark WB Holdings, Inc.  
Check No. 104441 in the amount of \$310

This patent application is a continuation of pending Application No. 29/097,446.

The entire disclosure of the prior application, from which a copy of the Declaration is enclosed, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.

**COPY**

Please address all correspondence to:

Gerald L. Fellows  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 271-6560

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald L. Fellows", written over a horizontal line.

Gerald L. Fellows  
Reg. No. 36,133

Date: 3/28/2000  
cc: Docketing  
Wkg Atty. CBA  
Resp Atty. GLF

AUG 19 2005

PTO/SB/44

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO: D444,993  
DATED July 17, 2001  
INVENTOR(S): William C. Dobson and Scott T. Pollnow

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the patent beneath (22), please insert--Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

**MAILING ADDRESS OF SENDER:**

Christopher B. Austin, Esq.  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108

PATENT NO. D444,993

No. of additional copies

1

AUG 19 2005

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

: 10-4-05

Paper No.: \_\_\_\_\_

TO SPE OF

: ART UNIT 2913

SUBJECT

: Request for Certificate of Correction on Patent No.: D444993

A response is requested with respect to the accompanying request for a certificate of correction.

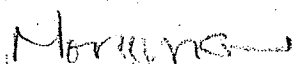
Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-915

Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

  
 Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

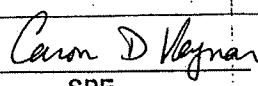
Specify below which changes do not apply.

☒ Denied

State the reasons for denial below.

Comments:

See the attached letter.

  
 SPE

 2913  
 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : Des. 444,993 S  
APPLICATION NO. : 29/120883  
DATED : July 17, 2001  
INVENTOR(S) : William C. Dobson and Scott T. Pollnow

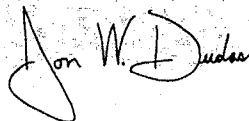
Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page insert item (63), beneath (22), --Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

Signed and Sealed this

Third Day of October, 2006



JON W. DUDAS  
*Director of the United States Patent and Trademark Office*

PTC

Patent and Trademark Office: U.S. DEPARTMENT OF COM

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO: D444,993 *S 29120883*  
DATED July 17, 2001 *29077446*  
INVENTOR(S): William C. Dobson and Scott T. Pollnow

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

*title page insert item (43),*  
On the ~~face of the patent~~ beneath (22), ~~the patent~~ --Continuation of U.S. Patent Application No. 29/097,446; filed Dec. 7, 1998, now U.S. Patent No. D425,360.--

## MAILING ADDRESS OF SENDER:

Christopher B. Austin, Esq.  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108

PATENT NO. D444,993

No. of additional copies

1

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:** 20051223

**DATE** : December 23, 2005

**TO SPE OF** : ART UNIT 2913

**SUBJECT** : Request for Certificate of Correction on Patent No.: D444993

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

**Certificates of Correction Branch - PK 3-910**

Palm location 7590 - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

**Comments:**

See the attached letter.

**SPE:** Caron D. Veynar *cdv*

**Art Unit 2913**



Application/Control Number: 29/120,883  
Art Unit: 2913

Page 2

The present claim, 29/120,883 is not considered a continuation because the claimed design is a change in scope from application 29/097,446 and not entitled to any continuity.

201.07 [R-3] Continuation Application

A continuation is a second application for the same invention claimed in a prior nonprovisional application and filed before the original prior application becomes abandoned or patented. The continuation application may be filed under 37 CFR 1.53(b) (or 1.53(d) if the application is a design application). The applicant in the continuation application must include at least one inventor named in the prior nonprovisional application. The disclosure presented in the continuation must be the same as that of the original application; i.e., the continuation should not include anything which would constitute new matter if inserted in the original application. The continuation application must claim the benefit of the prior nonprovisional application under 35 U.S.C. 120 or 365(c). >For more information on claiming the benefit of a prior nonprovisional application, see MPEP § 201.11.



CARON D. VEYNAR  
SUPERVISORY PATENT EXAMINER



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Date: February 15, 2006

Patent No.: Des. 425,360  
Inventor(s): Dobson et al  
Issued: May 23, 2000

For: Cooker

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction in the above-identified patent under Rule 1.322.

The present claim, 29/120,883 is not considered a continuation because the claimed design is a change in scope from application 29/097,446 and not entitled to any continuity.

In view of the foregoing, your request, in this matter is hereby denied. Future correspondence concerning this matter should be filed and directed to Decision & Certificate of Correction Branch.

*For Monica J. Dorey*

Cecelia B. Newman, Supervisor  
Decisions & Certificates of  
Correction Branch  
(703) 305-8309

Christopher B. Austin  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108

**DO NOT SCAN!** Please forward case and paper to address shown below.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE

July 21, 2006

Paper No.:

10

TO SPE OF

: ART UNIT 2913

SUBJECT

: Request for Certificate of Correction for Appl. No.: 29/120883 Patent No.: D444,993

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**

**South Tower - 9A22**

**Palm Location 7580**

Certificates of Correction Branch

703-308-9390 ext. \_\_\_\_\_

Thank You For Your Assistance

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: The denial given previously given <sup>paper #8,</sup> by SPE  
was in error. Please approve the changes in  
the CofC dated 8/11/2005.

Caron D. Veynar

CARON D. VEYNAR  
 SUPERVISORY PATENT EXAMINER

SPE

2913

Art Unit

ISSUE SLIP STAPLE AREA (for additional cross references)

POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION	KA	9162	5/2/0
O.I.P.E. CLASSIFIER			
FORMALITY REVIEW			
RESPONSE FORMALITY REVIEW			

SEARCHED			
Class	Sub.	Date	Exmr.
D7	323 354-361		
19	324 325 340 347 403 413 419 410 411		
		9/5/2000	cov

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	Date	Exmr.
The Chefs Catalog various dates	9/5/2000	cov



INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.
D7	354	2/7/2001	cnv

EMBODIMENTS FILED
ONE

## **EXHIBIT G – Part 2**

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## Comprehensive Description of Industrial Design

Industrial design is the professional service of creating and developing concepts and specifications that optimize the function, value and appearance of products and systems for the mutual benefit of both user and manufacturer.

Industrial designers develop these concepts and specifications through collection, analysis and synthesis of data guided by the special requirements of the client or manufacturer. They are trained to prepare clear and concise recommendations through drawings, models and verbal descriptions.

Industrial design services are often provided within the context of cooperative working relationships with other members of a development group. Typical groups include management, marketing, engineering and manufacturing specialists. The industrial designer expresses concepts that embody all relevant design criteria determined by the group.

The industrial designer's unique contribution places emphasis on those aspects of the product or system that relate most directly to human characteristics, needs and interests. This contribution requires specialized understanding of visual, tactile, safety and convenience criteria, with concern for the user. Education and experience in anticipating psychological, physiological and sociological factors that influence and are perceived by the user are essential industrial design resources.

Industrial designers also maintain a practical concern for technical processes and requirements for manufacture; marketing opportunities and economic constraints; and distribution sales and servicing processes. They work to ensure that design recommendations use materials and technology effectively, and comply with all legal and regulatory requirements.

In addition to supplying concepts for products and systems, industrial designers are often retained for consultation on a variety of problems that have to do with a client's image. Such assignments include product and organization identity systems, development of communication systems, interior space planning and exhibit design, advertising devices and packaging and other related services. Their expertise is sought in a wide variety of administrative arenas to assist in developing industrial standards, regulatory guidelines and quality control procedures to improve manufacturing operations and products.

Industrial designers, as professionals, are guided by their awareness of obligations to fulfill contractual responsibilities to clients, to protect the public safety and well-being, to respect the environment and to observe ethical business practice.

### Federal Codes for Industrial Design

Dictionary of Occupational Titles Code: The federal code that identifies industrial design in the Dictionary of Occupational Titles (DOT) is 142.061-026. The dictionary is available in public libraries.

### North American Industrial Classification System

The Federal Code that identifies industrial design under the NAIC System is 54142. This system replaces the Standard Industrial Classification (SIC) codes.



<b>No.</b>	<b>Patent No.</b>	<b>Date</b>	<b>Title of Patent</b>	<b>Inventors</b>
1.	D 224,308	Jul. 18, 1972	Vanity Sink	Woodring, Cooper C. Lauer, Donald G. Rinaldi, Joseph A.
2.	D 245,613	Aug. 30, 1977	Strobe	Woodring, Cooper C. Emmerling, Ronald Boehm, Michael
3.	4,057,127	Nov. 08, 1977	Safety Actuating Device Adapted for Two Wheeled Vehicles	Woodring, Cooper C.
4.	4,351,418	Sep. 27, 1982	Vehicle Brake Compensator	Woodring, Cooper C. Torbet, Philip A.
5.	D 286,032	Oct. 07, 1986	Infant Walker	Woodring, Cooper C. MacGregor, Francis W. Bruno, Robert H.
6.	4,856,718	Aug. 15, 1989	Food Processor and Food Cutting Devices	Woodring, Cooper C. Gaber, Ira
7.	D 316,207	Apr. 16, 1991	Hand-holdable Food Processor	Woodring, Cooper C. Gaber, Ira
8.	5,163,362	Nov. 17, 1992	Food Press	Woodring, Cooper C. Gaber, Ira
9.	5,165,459	Nov. 24, 1992	Window Covering	Woodring, Cooper C. Gaber, Ira
10.	5,238,043	Aug. 24, 1993	Apparatus for Adjustment of the Slats in a Venetian Blind	Woodring, Cooper C. Gaber, Ira
11.	D 343,979	Feb. 08, 1994	Ladder Tape Fixer	Woodring, Cooper C. Rapp, William H. Gaber, Ira
12.	5,285,838	Feb. 15, 1994	Rotary Tubular Headrail Blind	Woodring, Cooper C. Gaber, Ira Rapp, William H.
13.	5,297,608	Mar. 29, 1994	Tilter Mechanism	Woodring, Cooper C. Gaber, Ira Rapp, William H.
14.	5,303,640	Apr. 19, 1994	Food Press	Woodring, Cooper C. Gaber, Ira
15.	5,316,066	May 31, 1994	Cord-lock Mechanism	Woodring, Cooper C. Gaber, Ira Rapp, William H.
16.	5,375,642	Dec. 27, 1994	Venetian Blinds	Woodring, Cooper C. Gaber, Ira
17.	D 383,315	Sep. 09, 1997	Closet Organizer	Woodring, Cooper C.
18.	5,810,187	Sep. 22, 1998	Drawer Organizer	Woodring, Cooper C.
19.	5,836,675	Nov. 17, 1998	Illuminated Closet Organizer	Woodring, Cooper C.
20.	D 404,231	Jan. 19, 1999	Interlocking Drawer Organizer	Woodring, Cooper C.
21.	D 407,929	Apr. 13, 1999	Interlocking Drawer Organizer	Woodring, Cooper C.
22.	D 411,372	Jan. 22, 1999	Closet Organizer	Woodring, Cooper C.
23.	D 411,768	Jul. 06, 1999	Interlocking Drawer Organizer	Woodring, Cooper C.
24.	D 425,504	May 23, 2000	Dictation Interface Apparatus	Woodring, Cooper C. Howell, Dennis S. Latson, Donald E.
25.	D 433,004	Oct. 31, 2000	Dictation Apparatus	Woodring, Cooper C. Howell, Dennis S. Latson, Donald E.
26.	6,371,191	Apr. 16, 2002	Decorative Venetian Blinds	Woodring, Cooper C.



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**Education:**

1955-1960 University of Kansas, Lawrence, Bachelor of Fine Arts in Industrial Design

1960-1962 Cranbrook Academy of Art, Bloomfield Hills, Michigan, Master of Fine Arts in Design

**Employment:**

1962-1964 F. Eugene Smith Associates, Bath, Ohio, Designer

1963-1964 Akron Art Institute, Ohio, Instructor in Industrial Design and Modelmaking

1964-1969 BFGoodrich Co., New York City, Designer for BFG Tire Co. and BFG Research Center

1969-1971 JCPenney Co., Inc., New York City, Product Designer

1971-1974 JCPenney Co., Inc., New York City, Senior Product Designer

1974-1983 JCPenney Co., Inc., New York City, Manager, Product Design

1983-1986 JCPenney Co., Inc., New York City, Manager, New Product Development and Design

1986-1997 Better Mousetraps, Inc., Plandome, New York, President

1997- 2003 Independent Consultant Industrial Designer and Expert Witness, Topeka, Kansas

2003 - Present Independent Consultant Industrial Designer and Expert Witness, Corpus Christi, Texas

**Professional:**

1967 Member: Industrial Designers Society of America (IDSA)

1978 Chairman, New York Chapter, IDSA

1979 Chairman, IDSA National Conference, Washington, D.C.

1979 Recipient: New York Chapter, IDSA Bronze Apple Award

1982 Recipient: Fellowship, IDSA (Represents less than 2% of IDSA's membership)

1984-1985 Executive Vice President, IDSA

1985-1986 President, IDSA

1986-1988 Chairman, IDSA

1989-1990 Chairman, IDSA Government Affairs Committee

1990-1995 Chairman, IDSA Design Legislation Committee

1992 Recipient: IDSA's Personal Recognition Award

1993 Member, Kansas Association of Inventors

1996 Chairman, IDSA National Nominations Committee

1999 Appointment, Juror in IDSA 's Annual Design Awards Program, IDEA 2000

1999 Founder & Co-Chair, IDSA's Design Protection Section (with Perry J. Saidman, IDSA)

2001 Founding Trustee, The Design Foundation, Inc. (IDSA's 501.c.3 charitable organization)

2001 United States Delegate to ICSID Conference, Seoul, Korea

2003 United States Delegate to ICSID Conference, Berlin, Germany

**Awards, Honors & Other Activities:**

1976-1983 Elected Trustee - Incorporated Village of Plandome, NY

1979 Citation for Distinguished Service and Achievement  
Design Alumni Society, University of Kansas

1979 First Industrial Designer to Address "The Conference Board"

1983-1985 Elected Mayor - Incorporated Village of Plandome, NY

1983-1991 Part Owner - ID (Industrial Design) Magazine

1985-1987 Reelected Mayor - Incorporated Village of Plandome, NY

1985 Responsible for ICSID "WORLDDESIGN", Washington, DC  
(International Congress of Societies of Industrial Design)  
"The World's Largest Gathering of Industrial Designers"

1986 Presidential Appointment to Head USIA's Cultural Exchange Mission  
"Design in America", behind the Iron Curtain

1986 Inducted, Charter Member, JCPenney Inventor's Club

1987 Testified before U.S. Senate, Industrial Design Bill (S-791)

1989-1994 International Congress of the Societies of Industrial Design (ICSID)  
Representative to the United Nations

1992 Testified before U. S. House of Representatives  
Industrial Design Innovation & Technology Act (HR-1790)

1992 Gubernatorial Appointment: Kansas Historic Sites Board of  
Review - State and National Register of Historic Places

- 1993 Guest Educator - University of Kansas, Dept. of Design  
Senior course in Industrial Design in Spring 1993
- 1993 Elected to Board of Directors, Friends of Cedar Crest Association  
Kansas Governor's Residence, Topeka
- Feb. 1993 Appointed, Heritage Trust Fund, Board of Review  
Allocation of \$600,000 Federal Funds to Kansas Historic Sites
- 1994 Elected to Board of Directors, Historic Topeka, Inc.
- Feb. 1994 Appointed, Heritage Trust Fund, Board of Review  
Allocation of \$650,000 Federal Funds to Kansas Historic Sites
- 1994 Elected to Board of Directors, Kansas State Historical Society
- Feb. 1995 Appointed, Heritage Trust Fund, Board of Review  
Allocation of \$650,000 Federal Funds to Kansas Historic Sites
- 1995 Elected to Board of Directors, Mulvane Art Center of Topeka, Inc.
- April 1996 Elected to University of Kansas, School of Fine Arts Board of Advisors
- Fall 1997 Elected, Board of Directors, Friends of the Free State Capitol  
A preservation group to save the former Kansas State Capitol
- Summer 1998 Selection Committee, Kansas State Historical Society  
Governor's Architectural Preservation Award
- June 2000 Elected President of Board of Directors, Mulvane Art Museum
- June 2001 Reelected President of Board of Directors, Mulvane Art Museum
- Nov. 2001 Elected, Vice President, Board of Directors, Kansas International Museum
- Aug. 2005 Appointed, Chairman of IDSA's Academy of Presidents

**Speeches and Publications:**

- Sep./Oct. 1976 ID Magazine, Cover Article, "Design System Transforms Mass Retailer"
- 1977 Quotes, 75th Anniversary Edition, JCPenney News
- 1981 ID Magazine, "The Design Manager's Opinion"
- 1982 IDSA Journal, innovation, "Designing with Corporate Goals in Mind"
- 1983 Speaker, "Profits by Design", New York Chamber of Commerce and Industry
- Fall 1983 IDSA Journal, innovation, "The Client's Role in Great Design"
- Apr. 19, 1984 Quote, Philadelphia Daily News, "Read This - Quick!"



Aug. 8, 1984 Interview, National Public Radio (1090) Seattle

July 11, 1984 Speaker, Consumer Product Safety Commission (CPSC) Conference, Washington, DC

1985 Speaker, WORLDESIGN Conference, Washington, DC  
"Driving Forces - What Shapes American Design"

1985 Article, New Product Development Newsletter  
"The CW Formula for Successful New Products"

1985 Speaker/Panelist, International Design Conference/Aspen  
"Everyday Art, Retailers v Museums"

Nov. 1985 Speaker, 1st New Products Design Conference, New York  
"The Best Kept American Business Secret"

Nov. 14, 1985 Article, NY Times, Cover Home Section  
"Made in America - How Does the US Fare in Design?"

1985 Jury's Introduction to Consumer Product Section, 5 Years of IDSA Design Excellence

Dec. 14, 1985 Article, The Economist, "World Business"

1985 Editorial, IDSA Newsletter "Design Perspectives"

July 15, 1986 Quote, Wall Street Journal, "Italian Designer of Sleek Autos Expands to US"

Sept. 10, 1986 Keynote Speech, USIA Lecture Series "Design in America", Belgrade, Yugoslavia

Sept. 12, 1986 Keynote Speech, USIA Lecture Series "Design in America", Zagreb, Yugoslavia

Dec. 2, 1986 Keynote Speech, USIA Lecture Series "Design in America", Ljubljana, Yugoslavia

Dec. 5, 1986 Keynote Speech, USIA Lecture Series "Design in America", Sarajevo, Yugoslavia

June 1986 Feature Article, Technical Aesthetics, Soviet Publication  
"Artists Do What They Want, Designers Want What They Do"

1986 Introduction Speech, The Whitney Museum of American Art  
"High Styles - Twentieth Century American Design"

June 1987 Full Page Interview, Housewares Executive Magazine

July 1987 Article, High Technology, "Design With People in Mind"

Aug. 27, 1987 Article, The London Financial Times, "The Sacrificial Enhancement Syndrome"

1987 Testimony, US Senate, Committee on The Judiciary  
Subcommittee on Patents, Copyrights and Trademarks

Feb. 4, 1988 Article, NY Times, "US - Soviet Accord on Design"

1988 Speaker, Design Management Institute (DMI) Conference  
"Strategies for New Product Development"

1988 Article, DesignWeek, British Publication

Nov. 13, 1988 Quotes, NY Times, Ideas and Trends  
"A Bigger American Following for Industrial Design -  
A New Approach to Products From Cars to Copiers"

Fall 1989 Keynote Address, University of Baltimore Law School  
"A Designer's View of Current Design Protection"

Nov. 17, 1989 Quote, DesignWorld, Australian Publication, "Design in the Soviet Union"

1990 Speaker, IDSA Annual Conference, "The Profession After Design Legislation"

Jan. 29, 1992 Testimony, US House of Representatives  
Subcommittee on Intellectual Property and Judicial Administration  
The Industrial Design Innovation and Technology Act

May/June 1992 Quote, ID Magazine, "Should We Copyright Design ?"

May 20, 1992 Speaker, International Congress of the Societies of Industrial Design  
17th ICSID Conference, Ljubljana, Slovenia  
"Designing a New Nation for Global Competitiveness"

Aug. 20, 1992 Speaker, IDSA Worldesign Conference, San Francisco  
"If Ralph had said 'Design' instead of 'Build' a Better Mousetrap"

Oct. 14, 1992 Speaker, Rocky Mountain Chapter, IDSA, "Are Industrial Designs Intellectual Property?"

Nov. 9, 1992 Speaker, Topeka Chamber of Commerce, "How to Profit from Your Ideas"

Dec. 6, 1992 The Topeka Capital-Journal, Front Page Business Section, "Making Better Mousetraps"

Sept. 1993 Speaker, Kansas City Chapter, IDSA  
Do Industrial Designers Create Intellectual Property?

Nov. 1993 Article, The Design Management Institute (DMI) Journal  
"U.S. Policy & it's Effect on the Economic Value of Design"

May 16, 1994 Wall Street Journal - "Another Gizmo to Indulge Our Love of Garlic"  
Article about Better Mousetraps' GarlicEXPRESS

Jun. 11, 1994 The Topeka Capital-Journal, Front Page Business Section  
"Better Mousetraps Smells a Winner" - Half Page Article

Nov./Dec. 1994 Article, Inventor's Digest Magazine - 5 Page Article, "The Economic Value of Design"

Sept. 1995 Speaker, International Congress of the Societies of Industrial Design  
(ICSID) Taipei, Taiwan - "Design in the 21st Century"

- Oct. 23, 1996 The National Conference on Industrial Design Protection  
"Designer's View on What Should be Protected"  
Sponsors: American Intellectual Property Law Association  
and the Industrial Designers Society of America (IDSA)
- Sept. 25, 1997 Design Management Institute (DMI) Annual Conference  
"Design Patents: An Underutilized Competitive Weapon", Newport, RI
- Spring 1998 Kansas Technology Enterprise Corporation (KTEC), Advanced Manufacturing Institute  
Speaker at Annual Conference, "Design and Manufacturing"
- Summer 1998 Juror for NorthWest Chapter, IDSA, Annual Awards Competition
- October 1998 Speaker, International Congress of the Societies of Industrial Design (ICSID)  
Pittsburgh, PA, "Design Patents in United States"
- Dec. 1998 International Congress of the Societies of Industrial Design (ICSID) News  
"Design Protection in the US"
- May 13, 1999 Public Hearing, Testimony, United States Patent & Trademark Office (USPTO)  
The Hague Agreement Concerning the International Registration of Industrial Designs
- Aug. 25, 1999 United States Patent & Trademark Office (USPTO) Annual Open House  
Keynote Speaker: "The Importance of Design to Business & the US Economy"
- March 2000 Juror for IDSA's Industrial Design Excellence Awards (IDEA) Program  
Selections announced in the June 2, 2000 edition of BusinessWeek Magazine
- March 2000 Speaker at IDSA's Midwest Regional Conference, St. Louis, MO  
"On the Witness Stand for Design"
- Sep. 23, 2000 Presentation at IDSA Annual Conference, New Orleans, LA  
Mock Trial on Design Patent Infringement with Perry J. Saidman, IDSA
- Jan. 14, 2001 Speaker, National Housewares Show, Chicago, IL  
"On the Witness Stand for Design"
- Jan. 15, 2001 Speaker, Chicago Chapter, IDSA  
"On the Witness Stand for Design"
- Apr. 07, 2001 Speaker, Southern District Conference, IDSA  
"On the Witness Stand for Design"
- Aug. 16, 2001 Presentation at IDSA Annual Conference, Boston, MA  
"Top Ten Mistakes Designers & Patent Attorneys Make in Filing Design Patents"
- Nov. 2001 Keynote Speaker, Fédération Internationale des Conseils en Propriété Industrielle  
Rome, Italy (FICPI is the International Association of Intellectual Property Attorneys)
- July 2002 Presentation at IDSA Annual Conference, Monterey, CA  
"The Latest Skinny on Design Patents, Do's & Don't's"

- Aug. 2003 Presentation at IDSA Annual Conference, New York City  
"US Design Patents & The New Registration System in the European Community"
- Jan./Feb. 2004 Silver Magazine, "The Trial of the Century: Gorham Verses White, 1871"
- Sept. 8, 2005 Keynote Speaker, International Trademark Association (INTA)  
2005 Worldwide Forum on Marks & Designs, Vancouver, British Columbia, Canada  
in Cooperation with the World Intellectual Property Organization (WIPO)
- Mar. 3, 2006 Presenter, "Design Patents, The Currency of the Innovation Age"  
Innovation Imperative, The University of Cincinnati
- Apr. 10, 2006 Keynote Presenter, The First USPTO "Design Day", Washington, DC
- May 2006 Keynote Speaker, Fédération Internationale des Conseils en Propriété Industrielle  
Paris, France (FICPI is the International Association of Intellectual Property Attorneys)
- 1972-Present Guest Lecturer, Industrial Design Department
- Auburn University  
Carnegie-Mellon University  
Cranbrook Academy of Art  
Dartmouth College  
Georgia Institute of Technology  
Harvard University  
Illinois Institute of Technology  
Massachusetts Institute of Technology  
Pratt Institute  
Rhode Island School of Design  
Stanford University  
The Art Center  
University of Cincinnati  
University of Kansas



## Cooper C. Woodring's Testimony During Deposition or Trial Within the Past Four Years

(My client is underlined)

Date	Case Name	Case Number	Depo.	Trial
2002	<u>PPC</u> v. Corning Gilbert, Inc.	United States District Court District of Arizona Case No: CIV-01-1566 PHX SRB	Yes	Yes
2003	<u>Rehig Pacific Company</u> v. Norseman Plastics Limited	United States District Court Central District of California Case No: SACV 03-470 JVS (AJWX)	Yes	No
2003	Tecumseh Products Company v. <u>Briggs &amp; Stratton Corporation</u>	United States District Court Eastern District of Wisconsin Case No: 02-C-0334	Yes	No
2004	<u>Displays by Paul Martin</u> v. In Zone, Inc.	United States District Court Eastern District of Texas Sherman Division Case No: 4:02-cv-257	Yes	No
2005	<u>Pacific Market, Inc.</u> (PMI) v. Thermos LLC	United States District Court Western District of Washington at Seattle Civil Action No. CV03-1261C	No	Yes
2005	<u>Seed Lighting v.</u> <u>Home Depot &amp; Trend Lighting</u>	United States District Court Northern District of California Case No. CO4 02291 EDL	Yes	No
2005	Sada & Hernandez, Individuals v. <u>Jack in the Box, Inc.</u>	United States District Court for the Western District of Texas San Antonio Division Civil Action No. SA04CA0541 (OG)	Yes	No
2006	<u>Calphalon Corporation</u> v. Meyer Corporation, U.S. (Circulon)	United States District Court Eastrn Division of California Sacramento Division - ECF Program Case No. 2:05 - CV-00971-WBS-DAD	Yes	
2006	<u>Wenger Corporation</u> v. Jim Melhart Piano & Organ Co., Inc.	United States District Court Southern District of Texas McAllen Division Civil Action No. M-05-359	Yes	Yes
2006	<u>Wenger Corporation</u> v. Stadium Chair Co. & Gil DeShazio	United States district Court Western District of Texas Midland/Odessa Division Case No. MO-5-CV-099	Yes	





US00D434266S

**United States Patent** [19]  
**Dobson et al.**

[11] **Patent Number:** Des. 434,266  
 [45] **Date of Patent:** \*\* Nov. 28, 2000

[54] **COOKER**

[75] **Inventors:** William C. Dobson; Scott T. Pollnow,  
 both of West Bend, Wis.

[73] **Assignee:** Premark WB Holdings, Inc.,  
 Wilmington, Del.

[\*\*] **Term:** 14 Years

[21] **Appl. No.:** 29/120,985

[22] **Filed:** Mar. 28, 2000

#### Related U.S. Application Data

[63] Continuation of application No. 29/097,446, Dec. 7, 1998,  
 Pat. No. Des. 425,360.

[51] **LOC (7) Cl.** ..... 07-02

[52] **U.S. Cl.** ..... D7/354

[58] **Field of Search** ..... D7/354-361, 545;  
 99/324, 325, 340, 347, 403, 410, 411, 413,  
 419

[56] **References Cited**

#### U.S. PATENT DOCUMENTS

D. 153,894	5/1949	Mortrude	.....	D7/354
D. 199,747	12/1964	Farber	.....	D7/354
D. 248,363	7/1978	Rinaldi	.....	D7/354
D. 253,574	12/1979	Anderson, Jr.	.....	D7/356
D. 254,355	3/1980	Ottier	.....	D7/545
D. 275,925	10/1984	Bowen et al.	.....	D7/357

D. 284,257	6/1986	Greh et al.	.....	D7/355
D. 366,592	1/1996	Cesaroni et al.	.....	D7/360
D. 416,434	11/1999	Pollnow	.....	D7/360
D. 420,246	2/2000	Alonge et al.	.....	D7/360
D. 420,247	2/2000	Kaney et al.	.....	D7/360
D. 425,360	5/2000	Dobson et al.	.....	D7/360

*Primary Examiner*—Caron D. Veynar

*Attorney, Agent, or Firm*—Michael Best & Friedrich LLP

#### [57] CLAIM

The ornamental design for a cooker, as shown and described.

#### DESCRIPTION

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

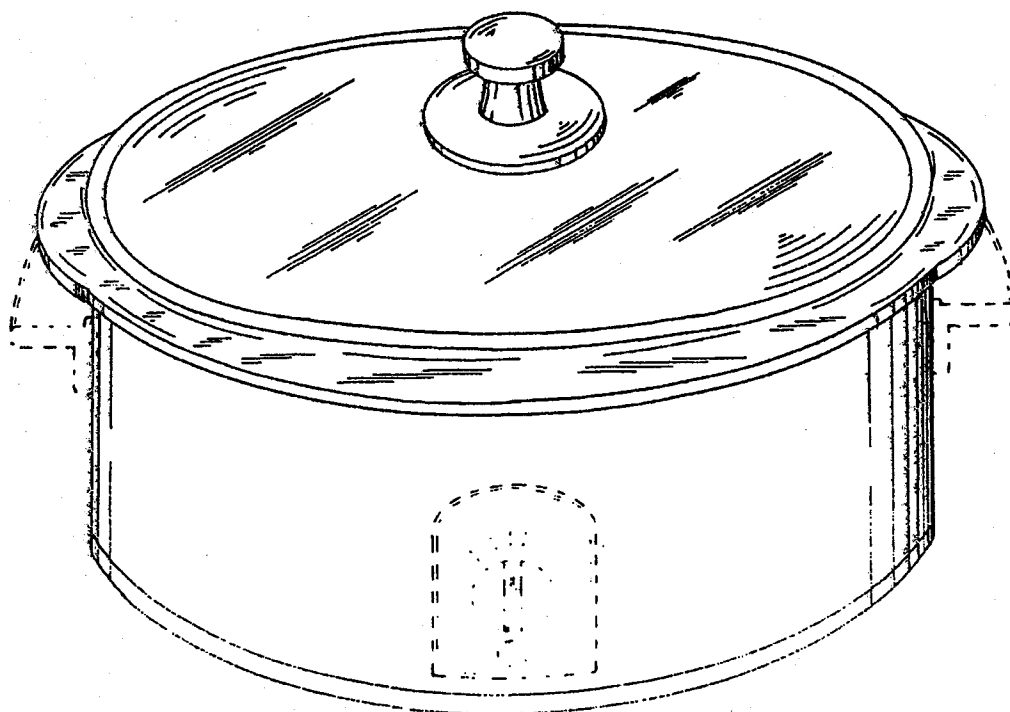
FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

1 Claim, 7 Drawing Sheets



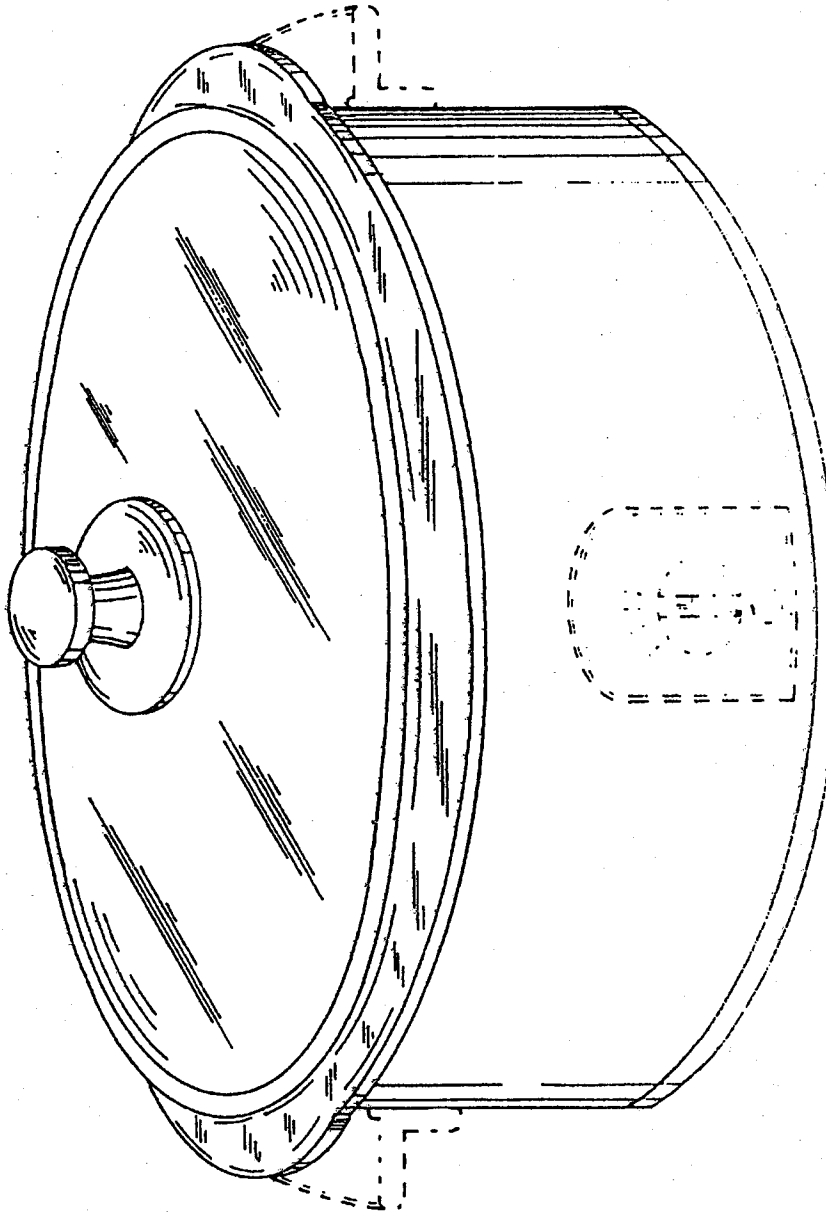


**U.S. Patent**

**Nov. 28, 2000**

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**Des. 434,266**



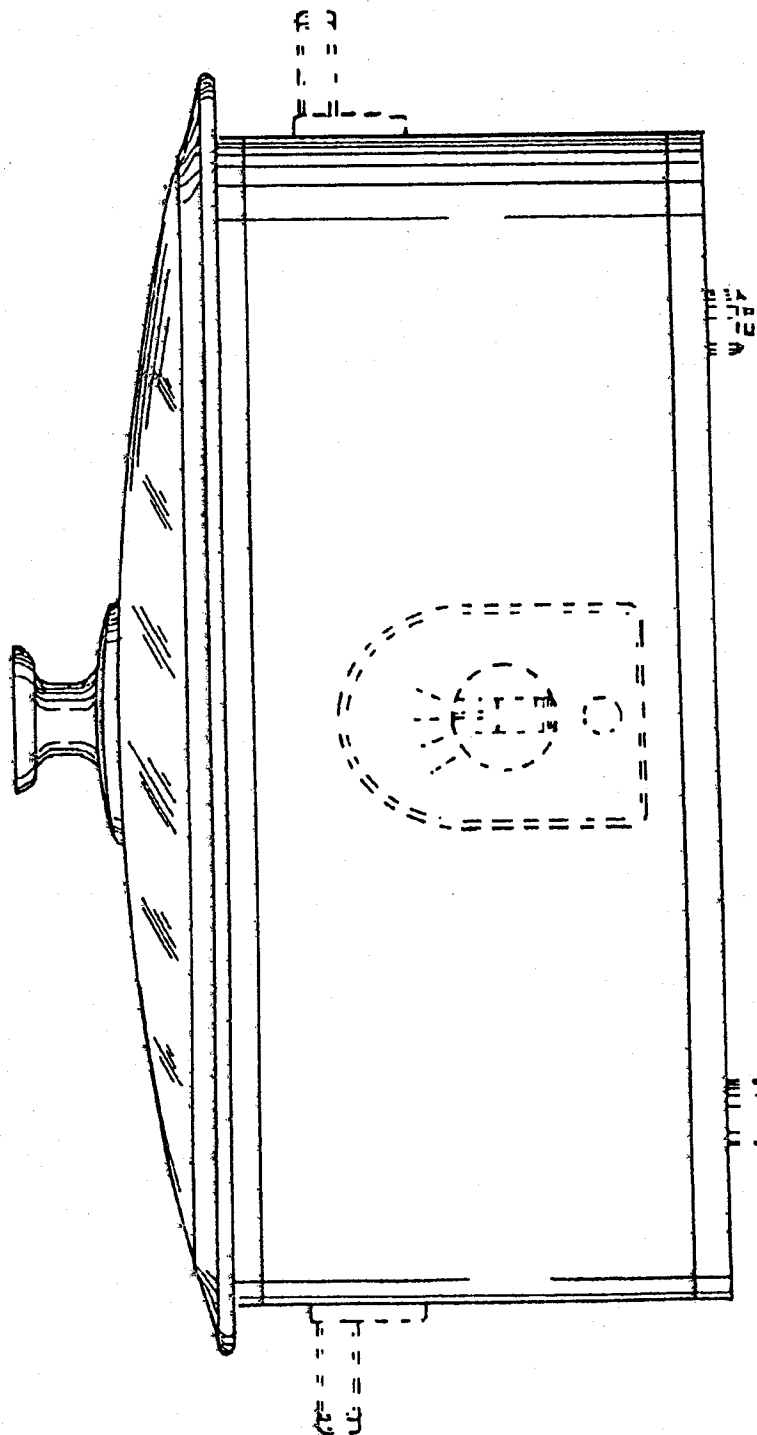
*Fig. 1*

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Nov. 28, 2000

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Des. 434,266

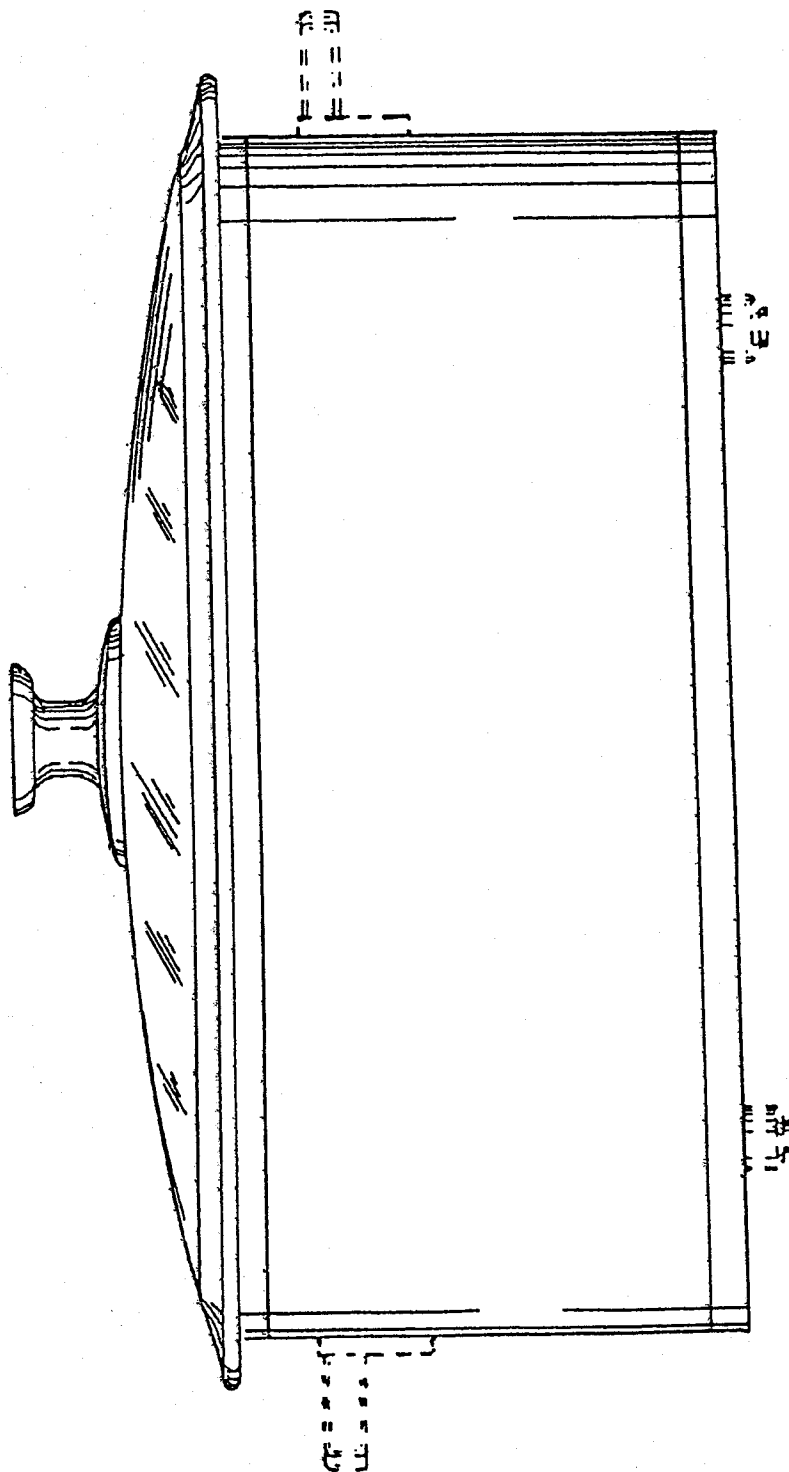


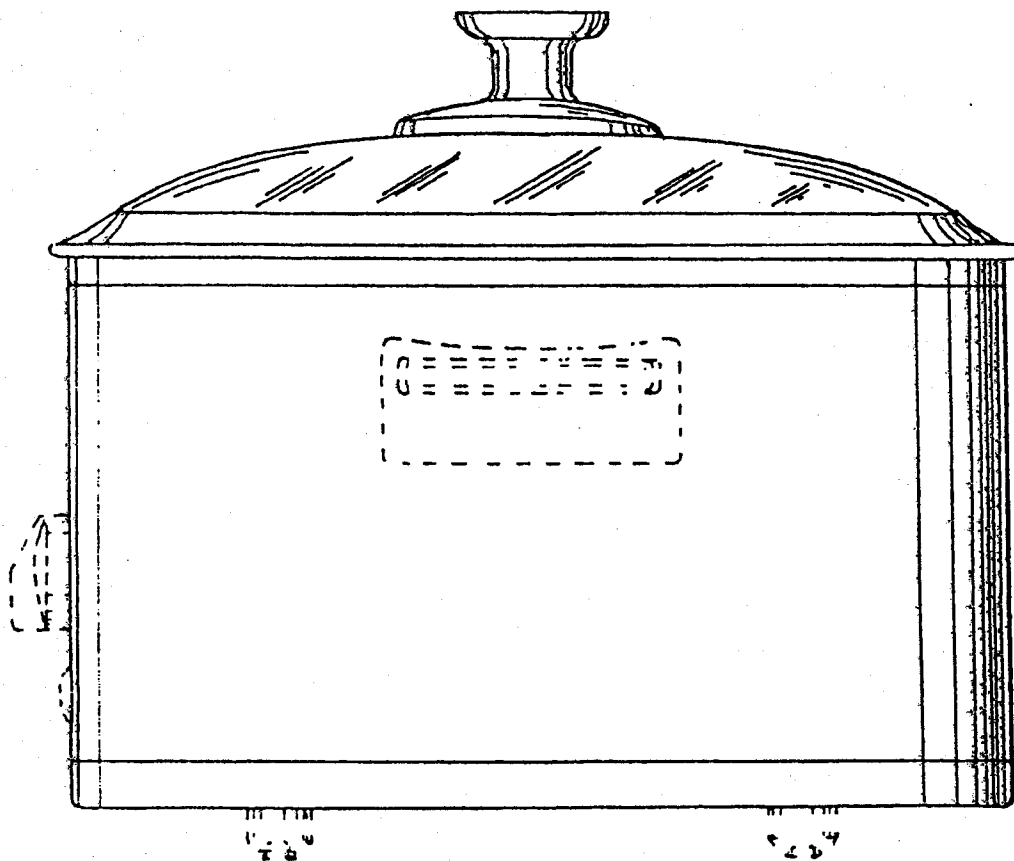
Fig. 3

U.S. Patent

Nov. 28, 2000

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Des. 434,266



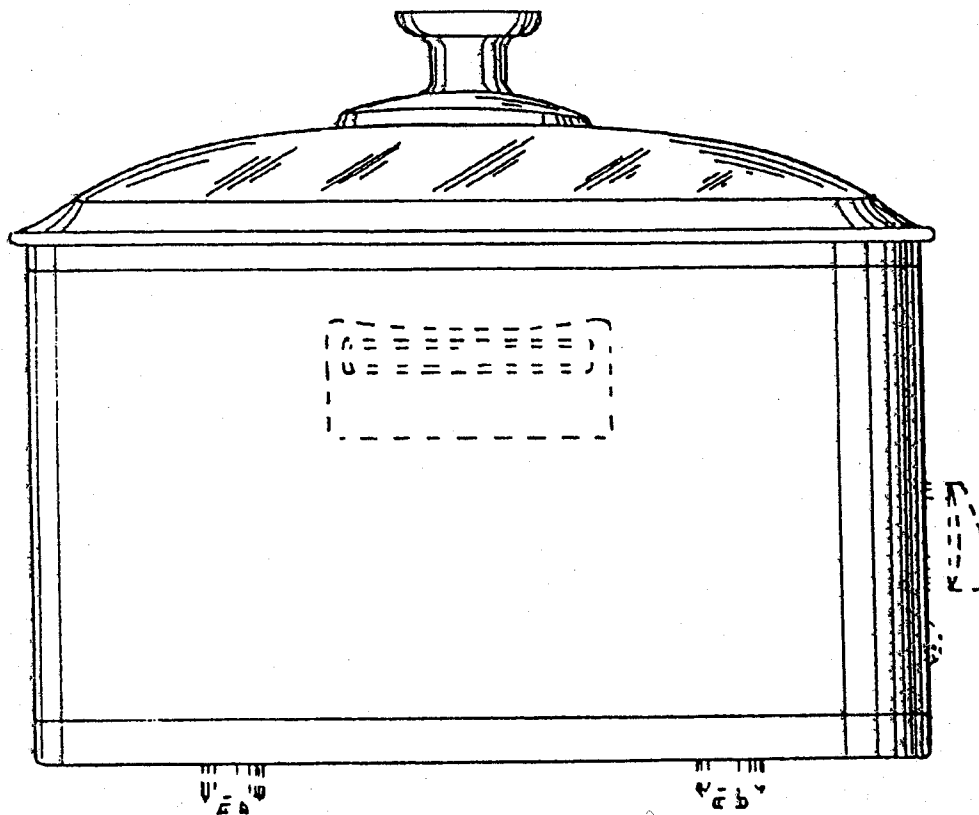
*Fig. 4*

U.S. Patent

Nov. 28, 2000

Sheet 5 of 7

Des. 434,266



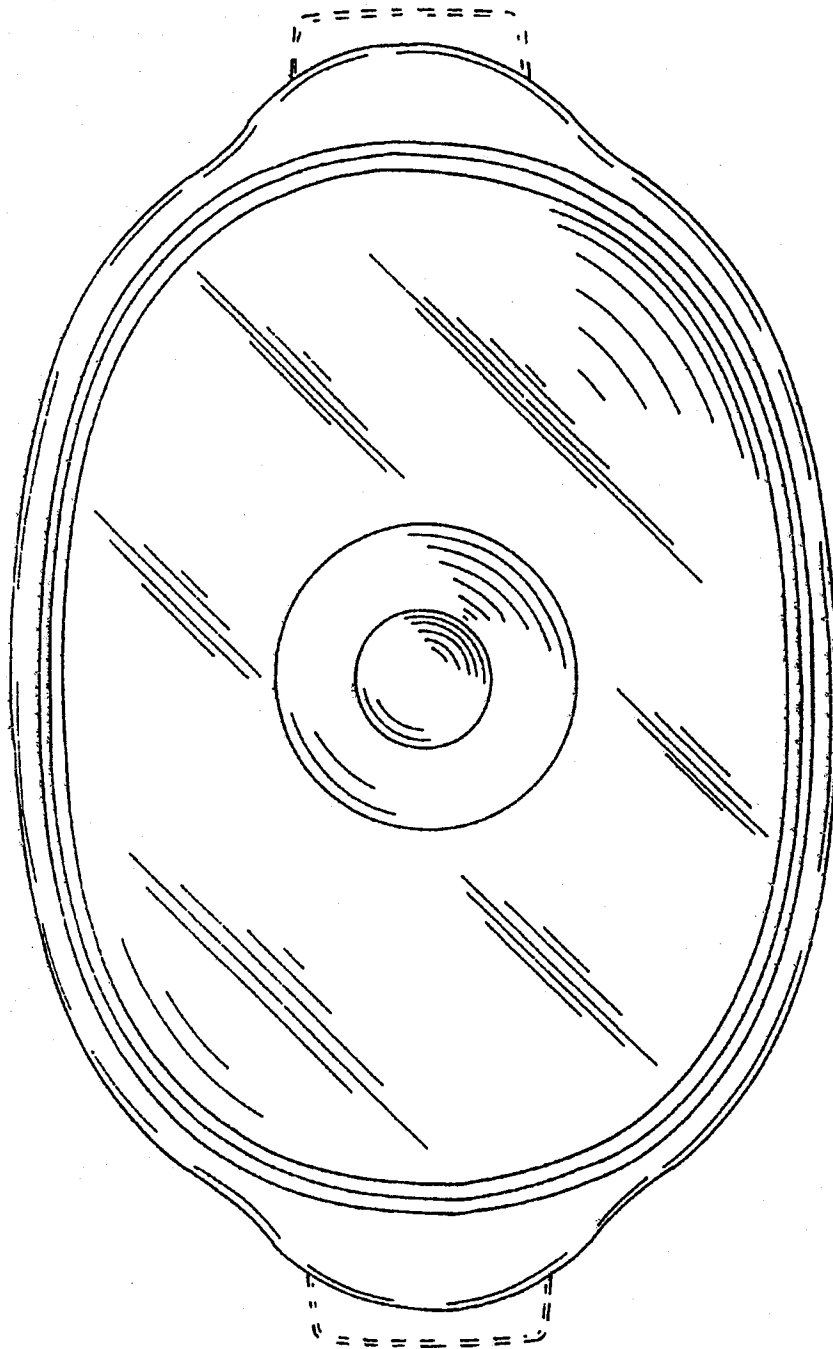
*Fig. 5*

**U.S. Patent**

**Nov. 28, 2000**

**Sheet 6 of 7**

**Des. 434,266**



*Fig. 6*

U.S. Patent

Nov. 28, 2000

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Des. 434,266

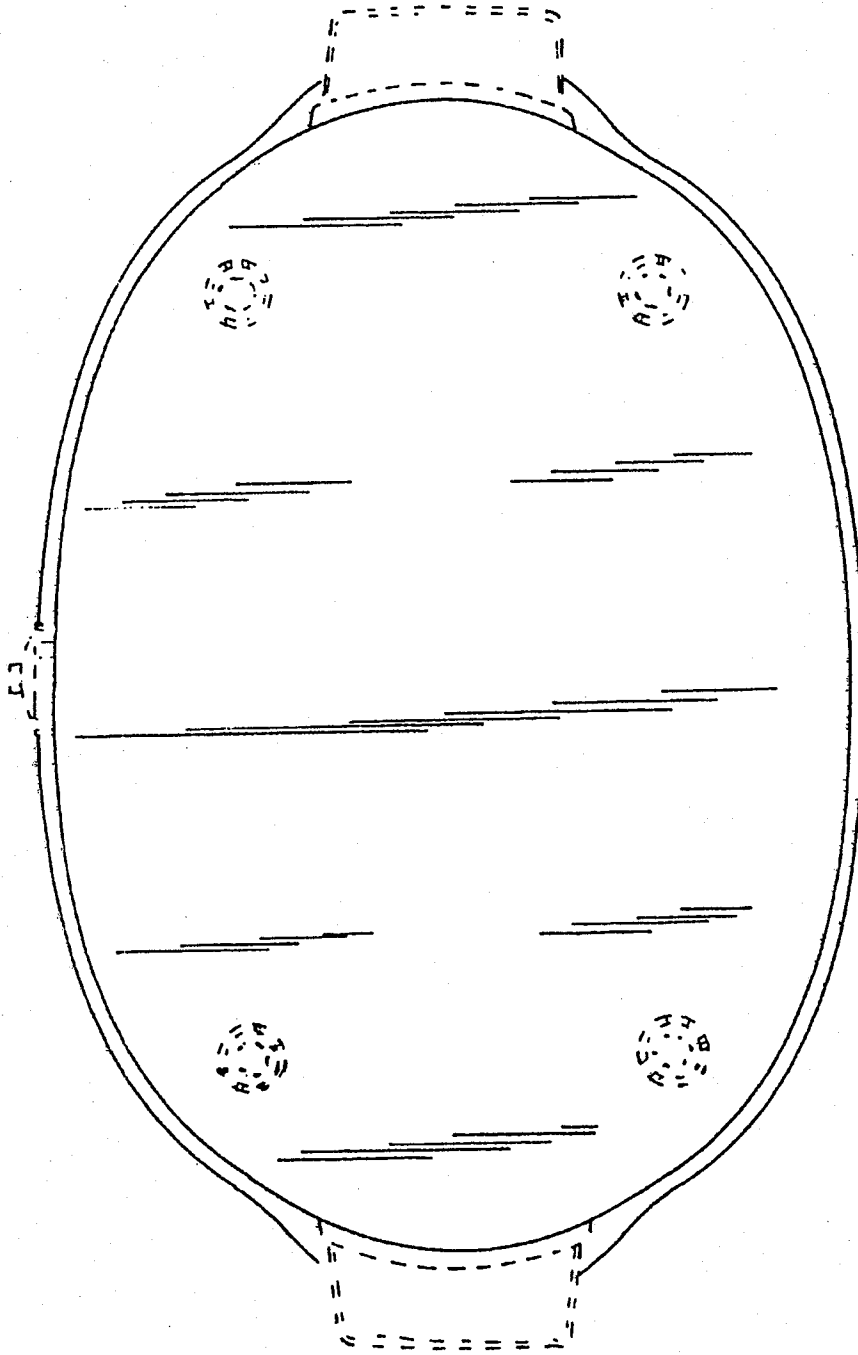


Fig. 7

## **EXHIBIT G – Part 3**





US00D444664S

(12) **United States Design Patent** (10) Patent No.: **US D444,664 S**  
**Dobson et al.** (45) Date of Patent: \*\* \*Jul. 10, 2001

(54) **COOKER**

D. 429,596 \* 8/2000 Hlava et al. .... D7/360

(75) Inventors: **William C. Dobson; Scott T. Pollnow,**  
 both of West Bend, WI (US)

\* cited by examiner

*Primary Examiner*—Caron D. Veynar  
*(74) Attorney, Agent, or Firm*—Michael Best & Friedrich  
 LLP

(73) Assignee: **Premark WB Holdings, Inc.,**  
 Wilmington, DE (US)

(57) **CLAIM**

(\*) Notice: This patent is subject to a terminal disclaimer.

The ornamental design for a cooker, as shown and described.

(\*\*) Term: **14 Years**

# DESCRIPTION

(21) Appl. No.: **29/120,882**

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

(22) Filed: **Mar. 28, 2000**

(51) LOC (7) Cl. .... **07-02**

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

(52) U.S. Cl. .... **D7/354**

FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

(58) Field of Search ..... D7/323, 354-361;  
 99/324, 325, 340, 347, 403, 413, 419, 410,  
 411

FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

(56) **References Cited**

FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

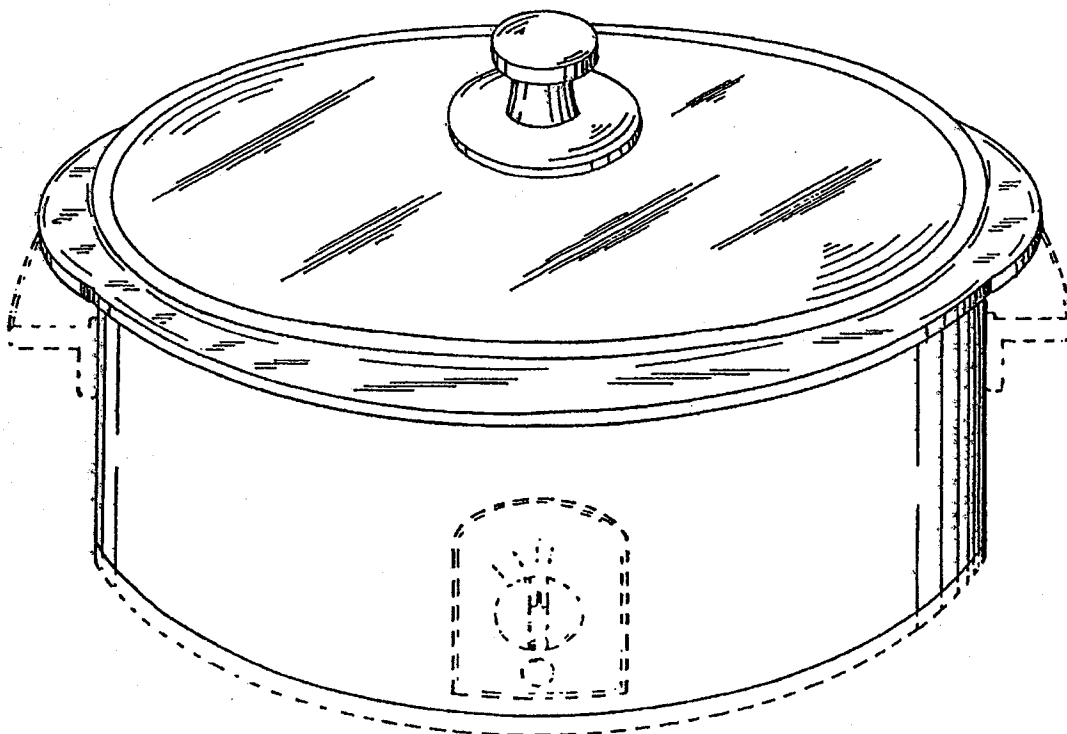
## U.S. PATENT DOCUMENTS

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

D. 104,914 \* 6/1937 Coss ..... D7/360  
 D. 416,434 \* 11/1999 Pollnow ..... D7/360  
 D. 420,246 \* 2/2000 Alonge et al. .... D7/360  
 D. 425,360 \* 5/2000 Dobson et al. .... D7/360

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**

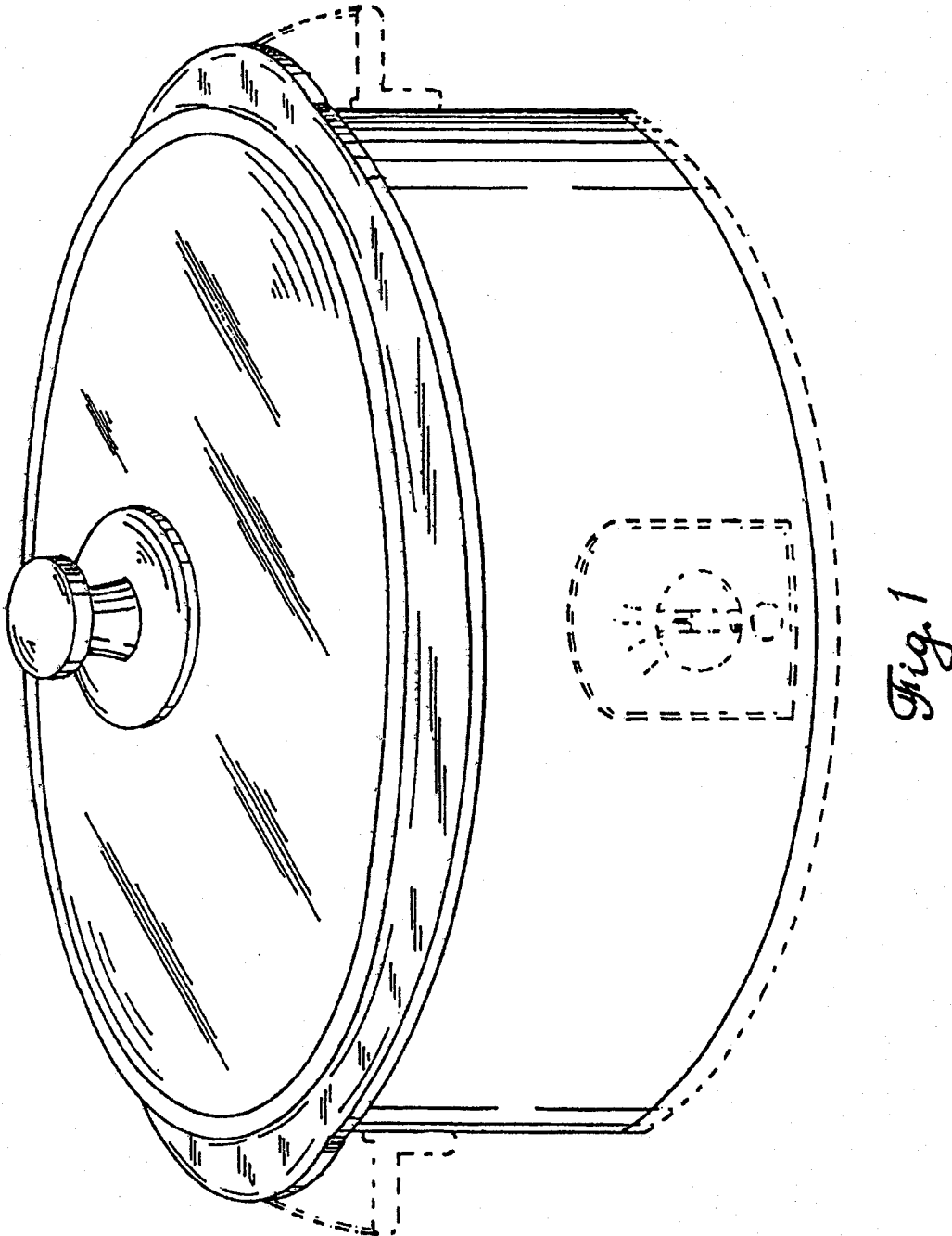


U.S. Patent

Jul. 10, 2001

Sheet 1 of 7

US D444,664 S

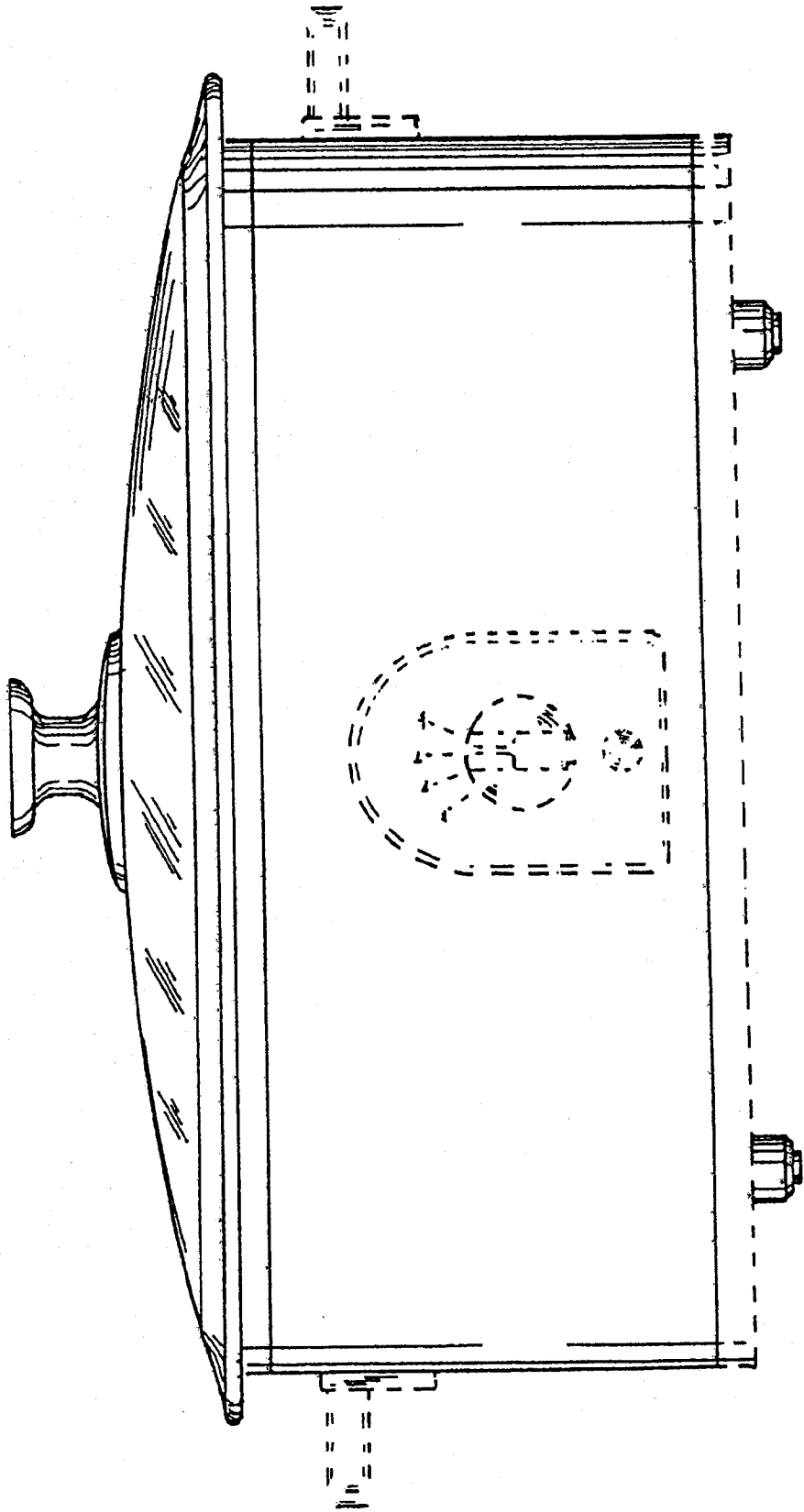


U.S. Patent

Jul. 10, 2001

Sheet 2 of 7

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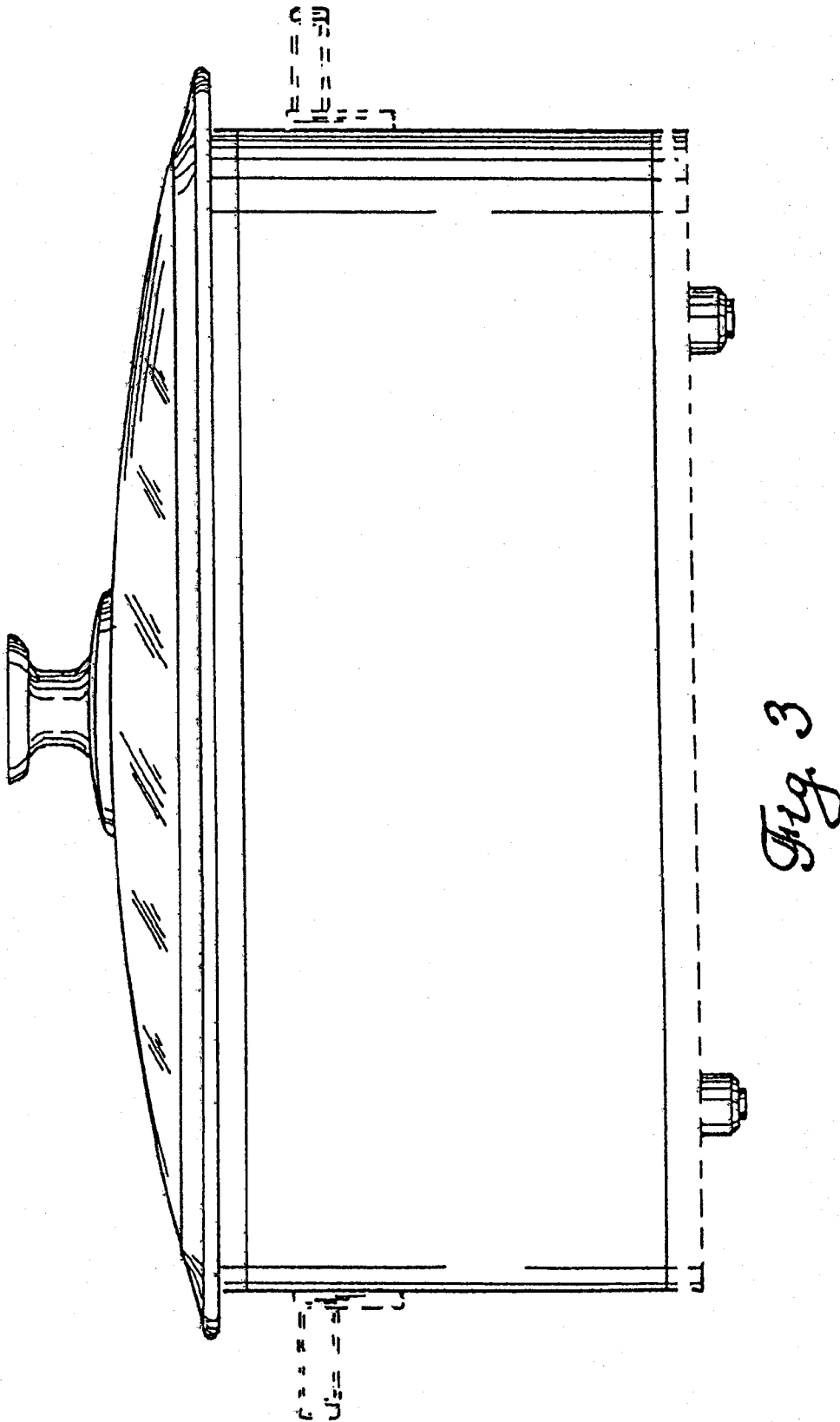
*Fig. 2*

U.S. Patent

Jul. 10, 2001

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US D444,664 S

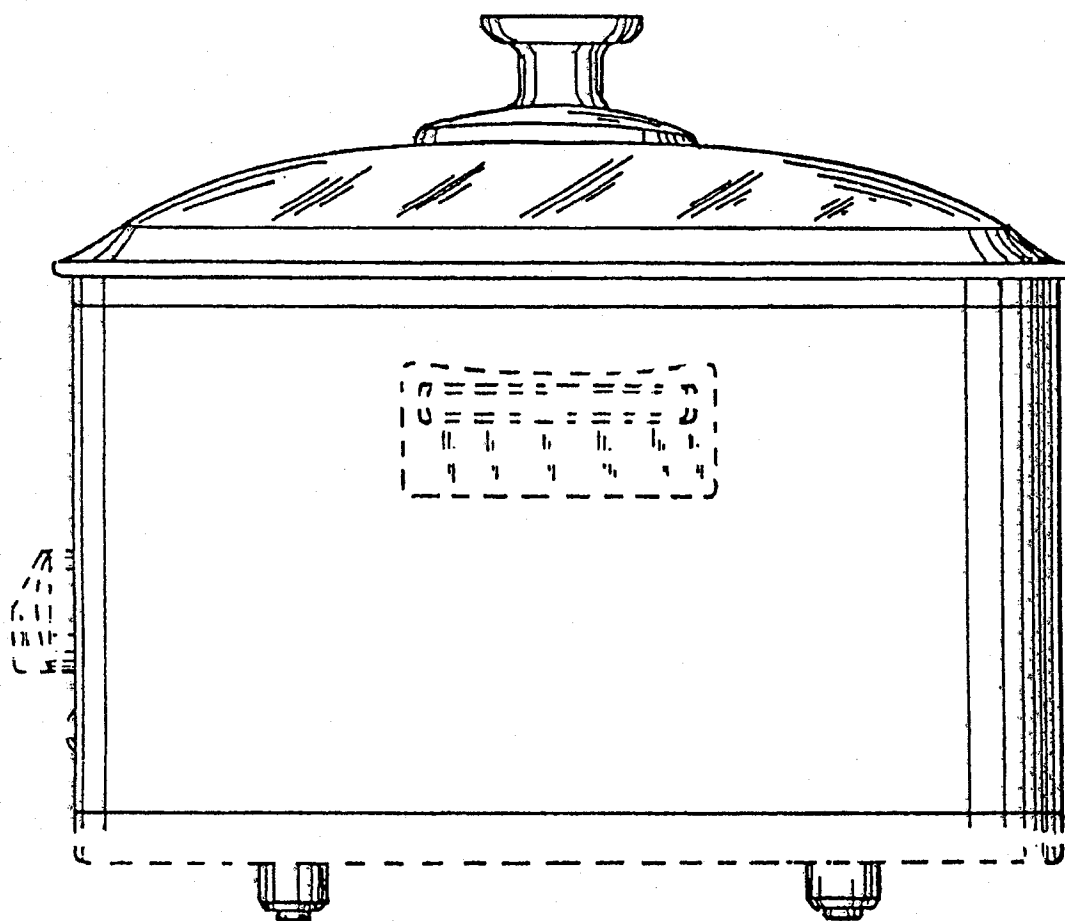


U.S. Patent

Jul. 10, 2001

Sheet 4 of 7

US D444,664 S



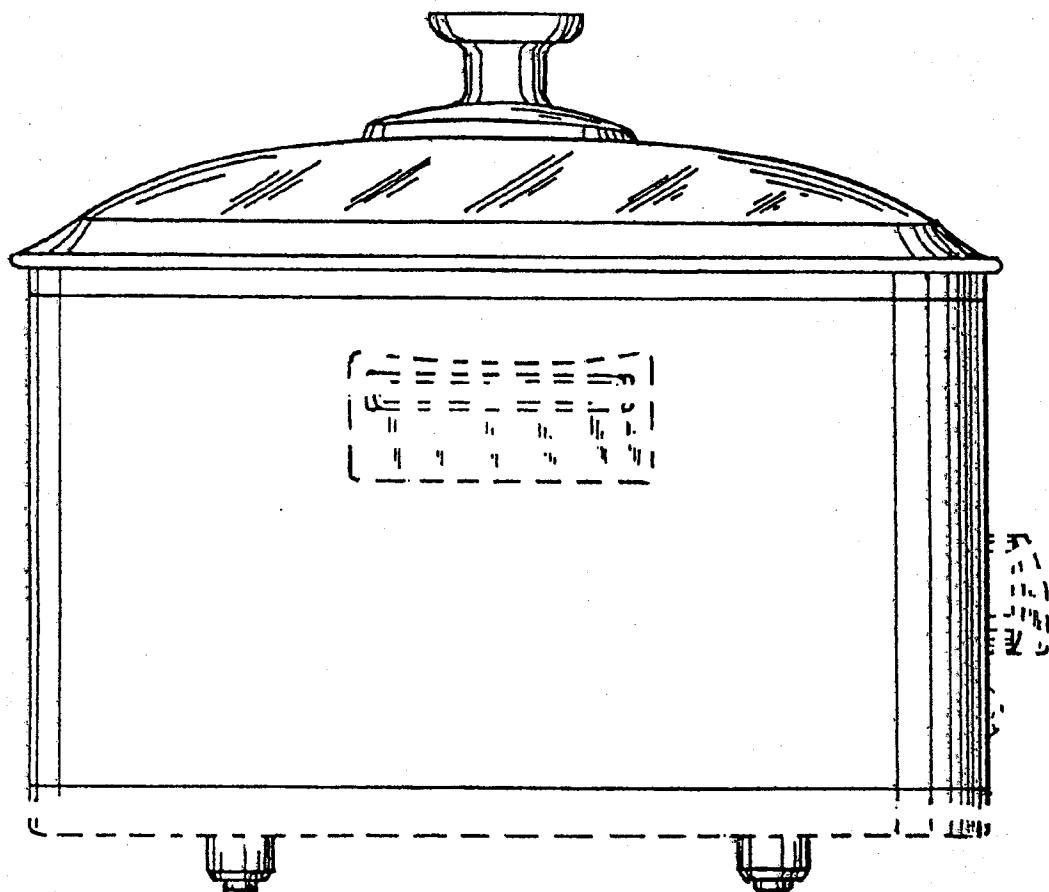
*Fig. 4*

U.S. Patent

Jul. 10, 2001

Sheet 5 of 7

US D444,664 S



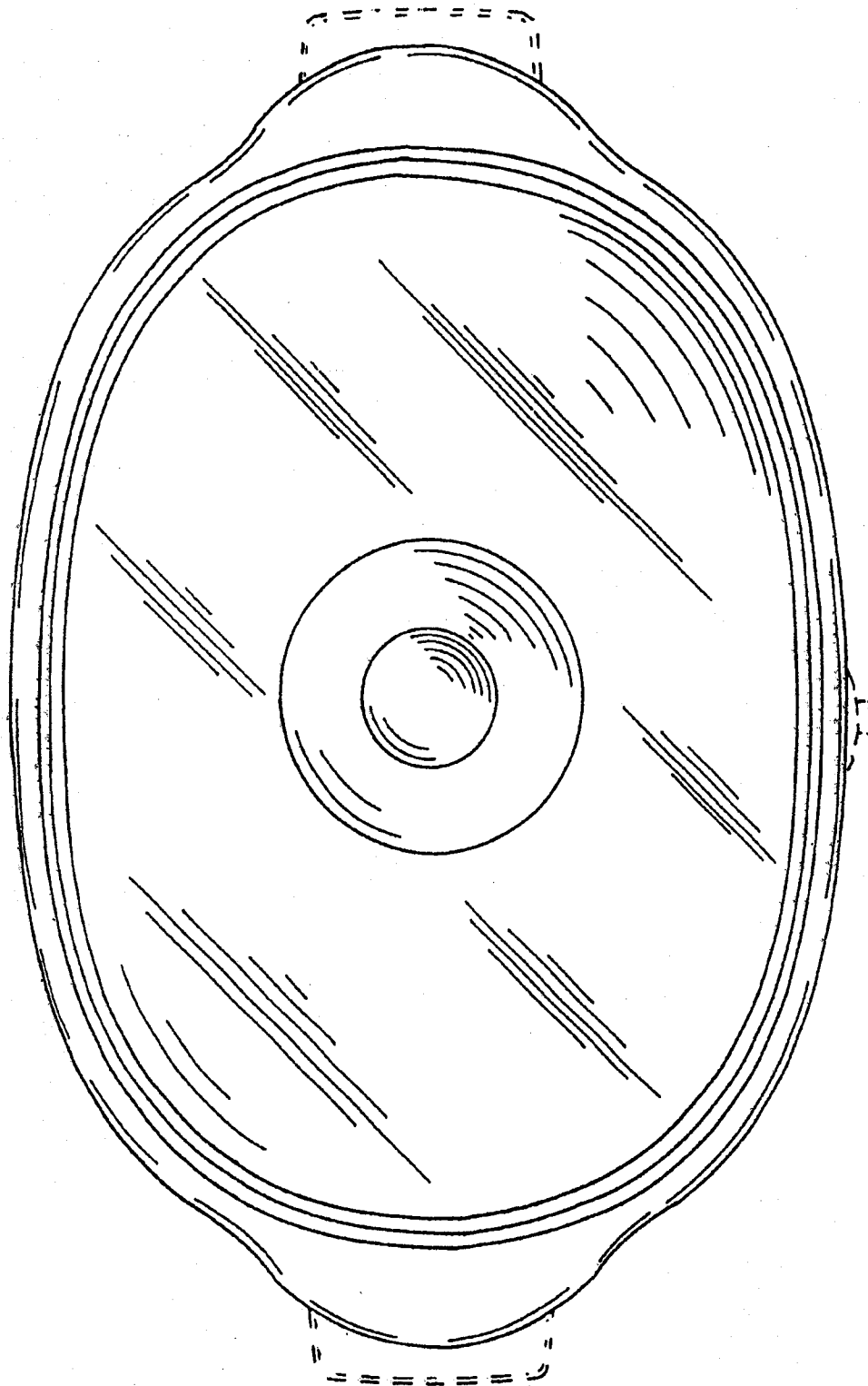
*Fig. 5*

**U.S. Patent**

**Jul. 10, 2001**

**Sheet 6 of 7**

**US D444,664 S**



*Fig. 6*

U.S. Patent

Jul. 10, 2001

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US D444,664 S

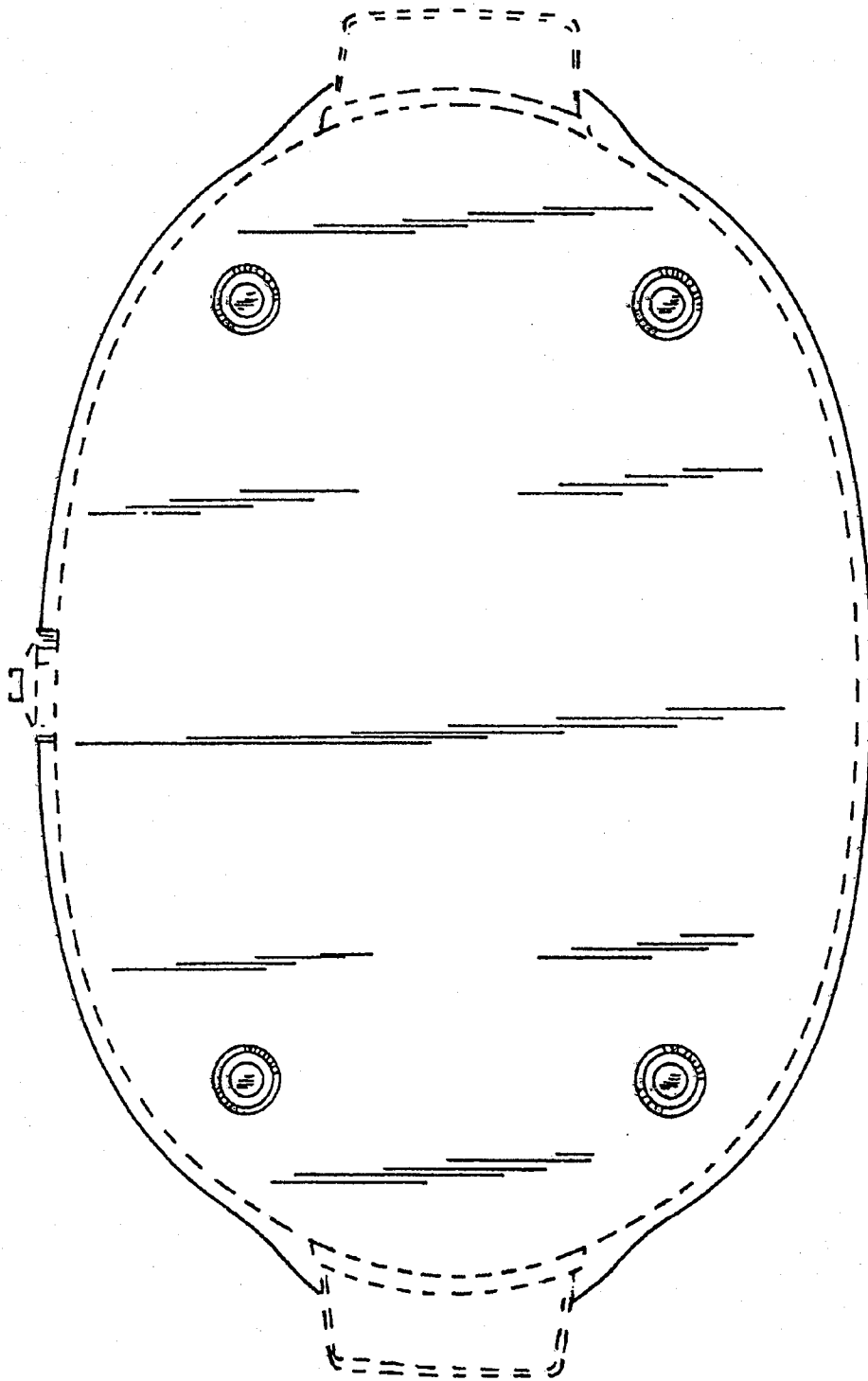


Fig. 7





US00D444993S

(12) **United States Design Patent** (10) Patent No.: **US D444,993 S**  
**Dobson et al.** (45) Date of Patent: **\*\* Jul. 17, 2001**

(54) **COOKER**

\* cited by examiner

(75) Inventors: **William C. Dobson; Scott T. Pollnow,**  
both of West Bend, WI (US)

Primary Examiner—Caron D. Veynar

(74) Attorney, Agent, or Firm—Michael Best & Friedrich  
LLP(73) Assignee: **Premark WB Holdings, Inc.,**  
Wilmington, DE (US)(57) **CLAIM**

(\*) Notice: This patent is subject to a terminal disclaimer.

The ornamental design for a cooker, as shown and described.

(\*\*) Term: **14 Years****DESCRIPTION**(21) Appl. No.: **29/120,883**(22) Filed: **Mar. 28, 2000**(51) LOC (7) Cl. .... **07-02**(52) U.S. Cl. .... **D7/354**(58) Field of Search ..... D7/323, 354-361;  
99/324, 325, 340, 347, 403, 413, 419, 410,  
411

FIG. 1 is a perspective view of a cooker constructed in accordance with one preferred embodiment of the invention; FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1, 2 and 3;

FIG. 5 is an elevation view of the left of the cooker shown in FIGS. 1, 2, 3 and 4;

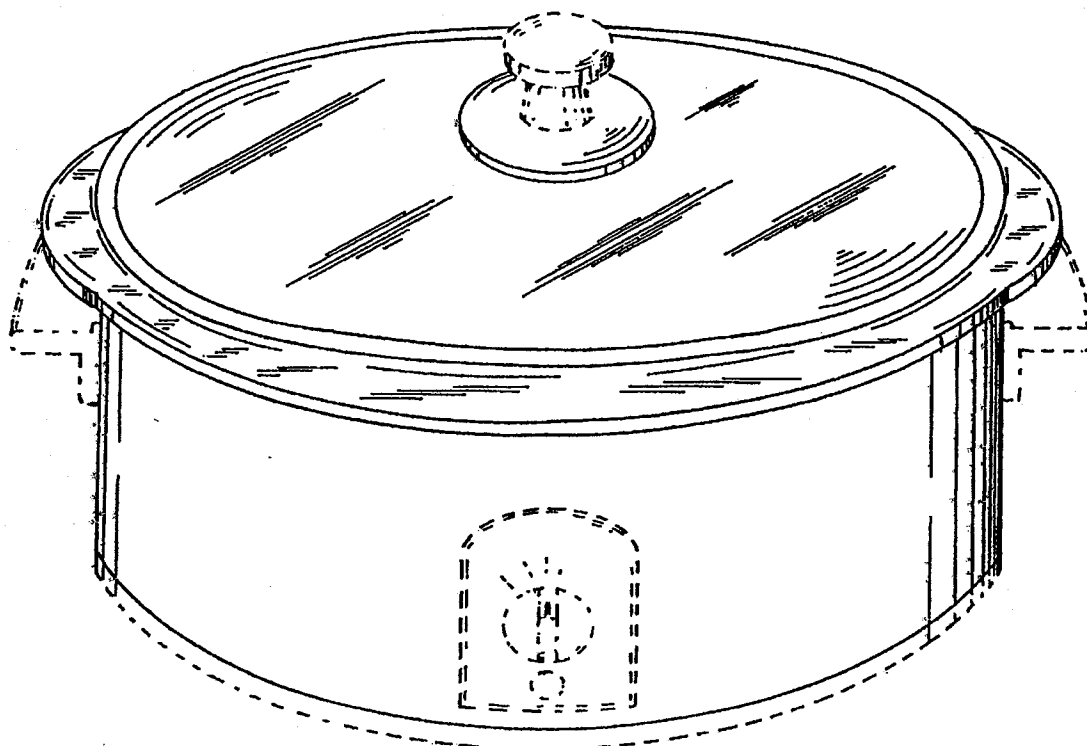
FIG. 6 is a top plan view of the cooker shown in FIGS. 1, 2, 3, 4 and 5; and,

FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1, 2, 3, 4, 5 and 6.

The broken line showings in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D. 104,914	*	6/1937	Coss	.....	D7/360
D. 416,434	*	11/1999	Pollnow	.....	D7/360
D. 420,246	*	2/2000	Alonge et al.	.....	D7/360
D. 425,360	*	5/2000	Dobson et al.	.....	D7/360
D. 429,596	*	8/2000	Hlava et al.	.....	D7/360

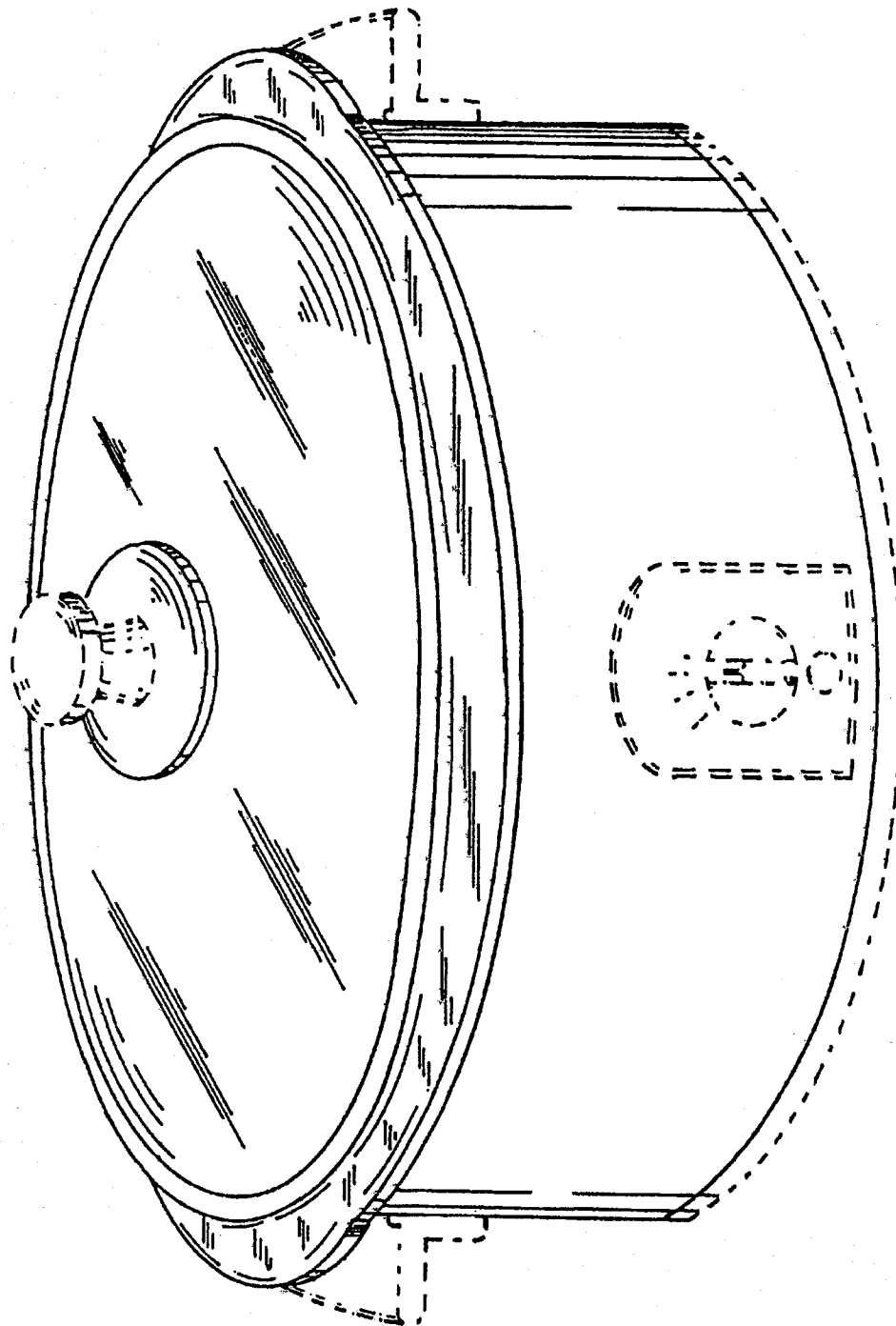
**1 Claim, 7 Drawing Sheets**

**U.S. Patent**

**Jul. 17, 2001**

**Sheet 1 of 7**

**US D444,993 S**



*Fig. 1*

U.S. Patent

Jul. 17, 2001

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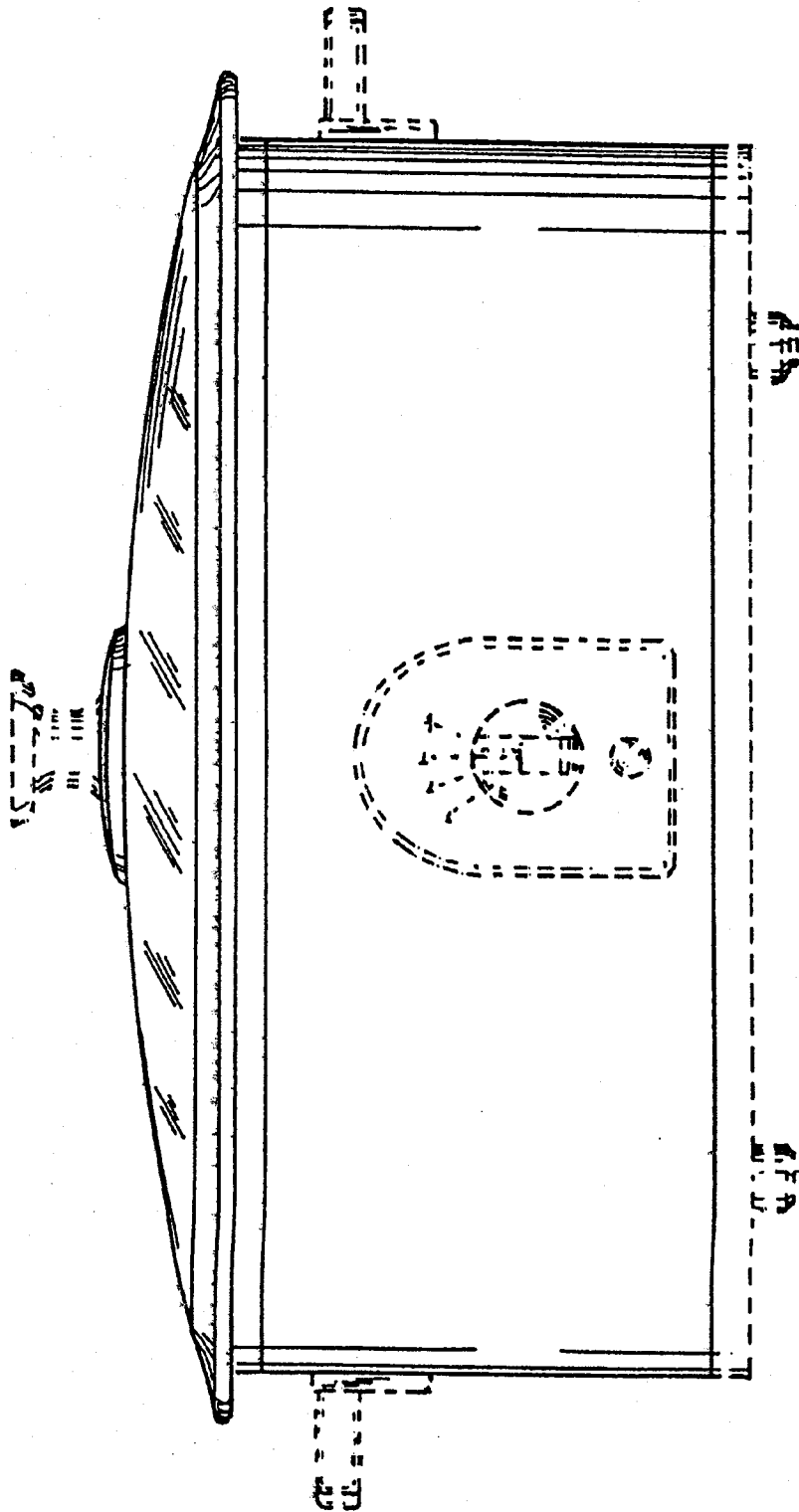


Fig. 2

U.S. Patent

Jul. 17, 2001

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US D444,993 S

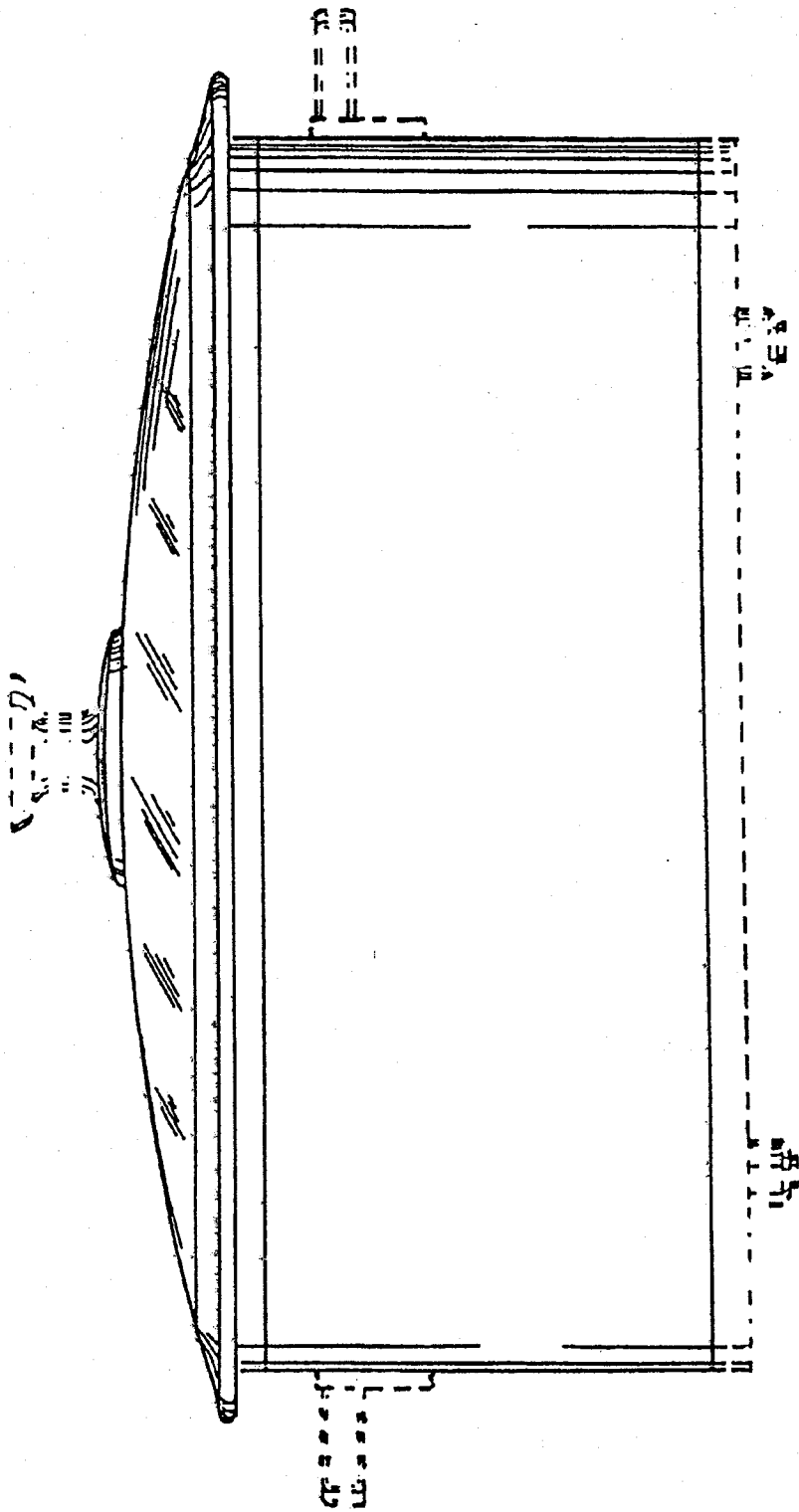


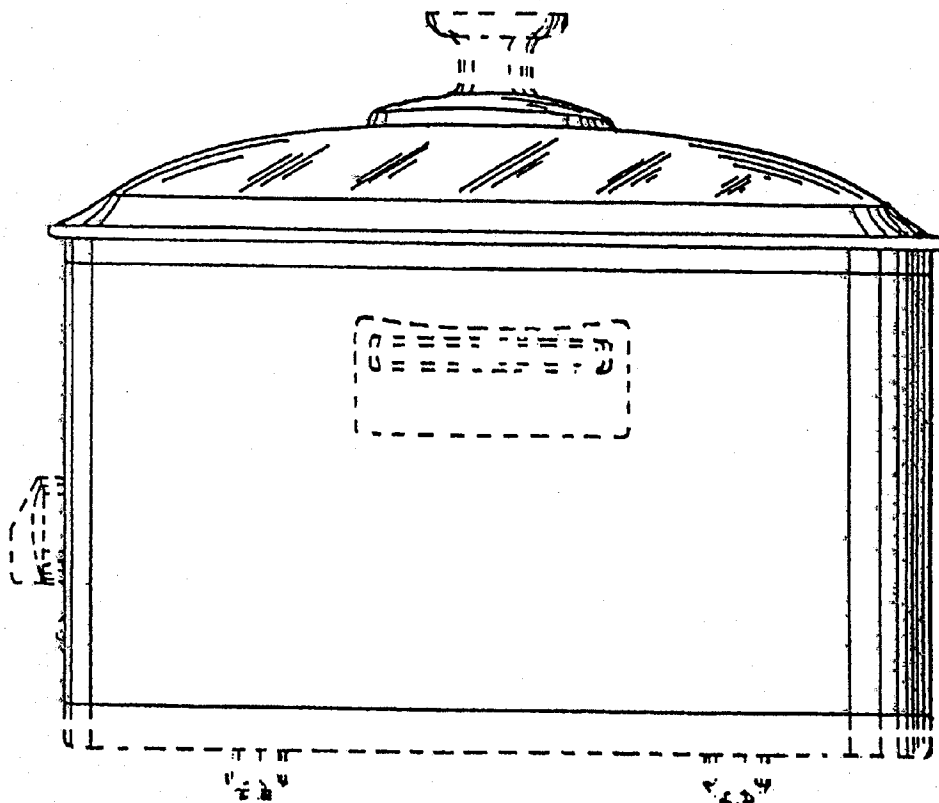
Fig. 3

U.S. Patent

Jul. 17, 2001

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US D444,993 S



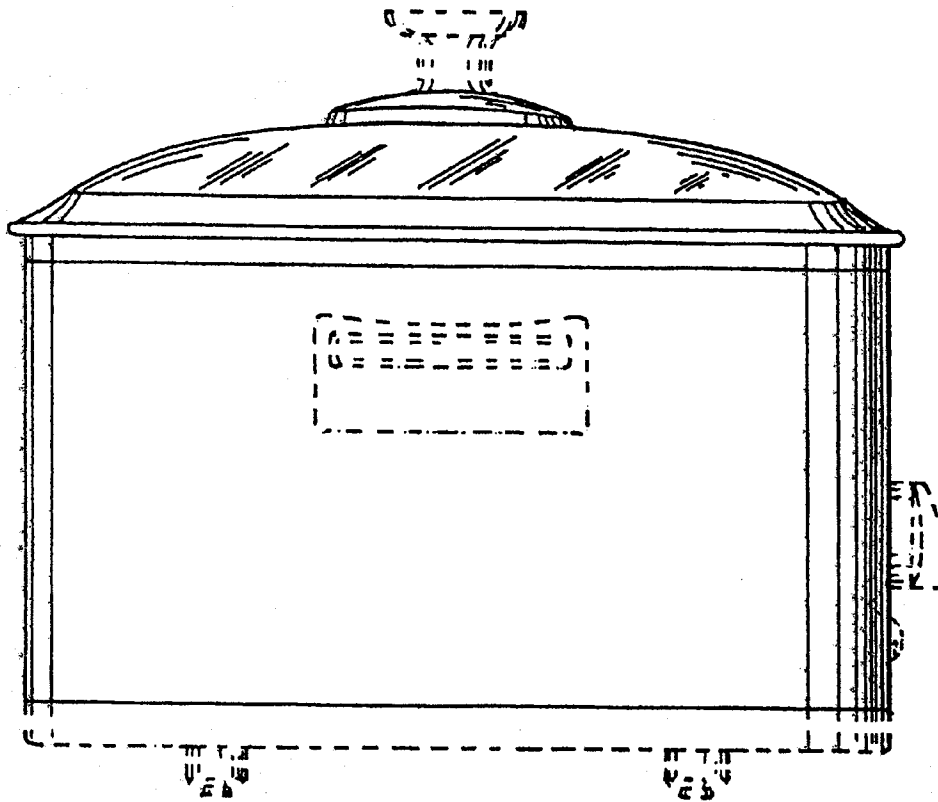
*Fig. 4*

U.S. Patent

Jul. 17, 2001

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US D444,993 S



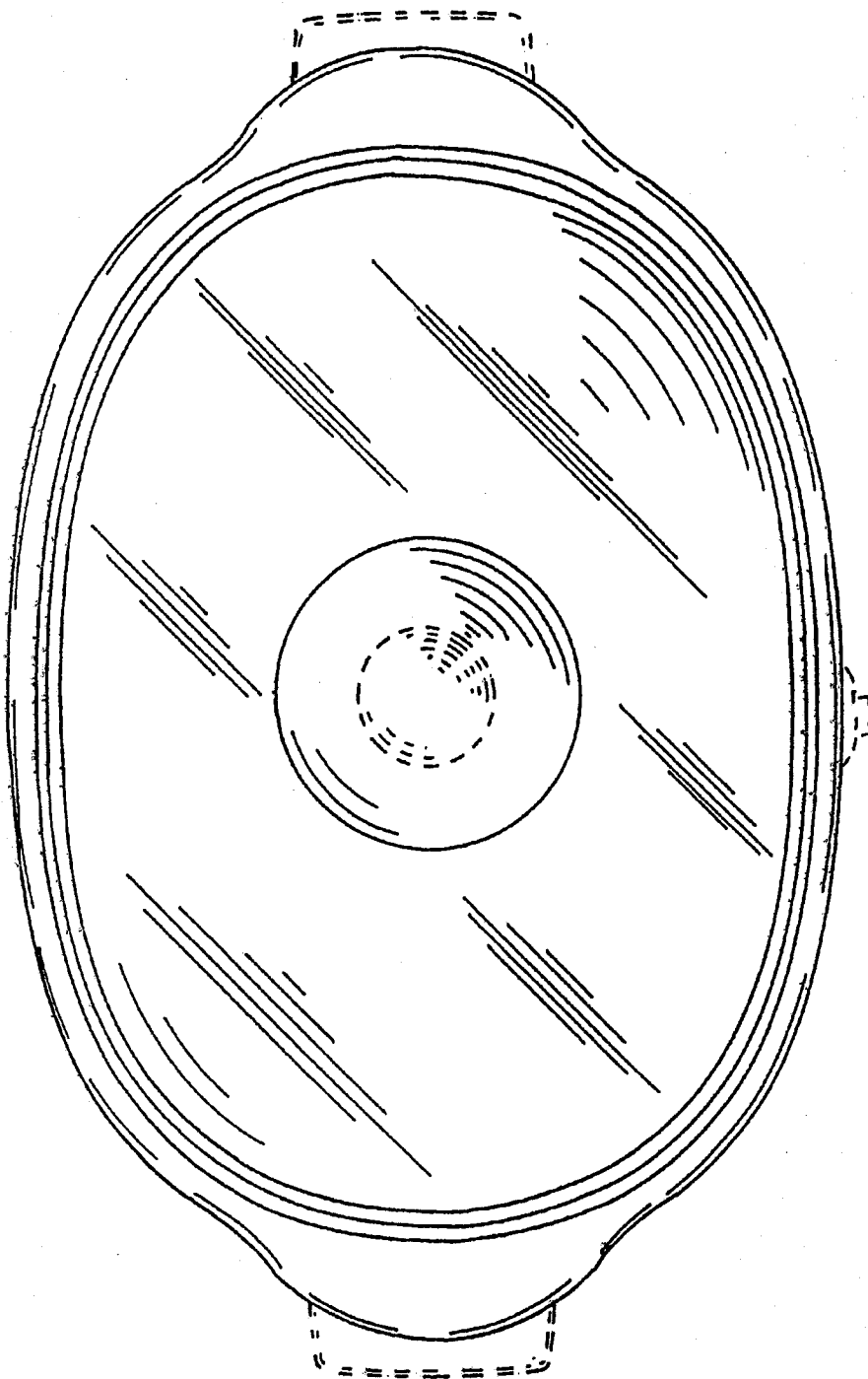
*Fig. 5*

U.S. Patent

Jul. 17, 2001

Sheet 6 of 7

US D444,993 S



*Fig. 6*





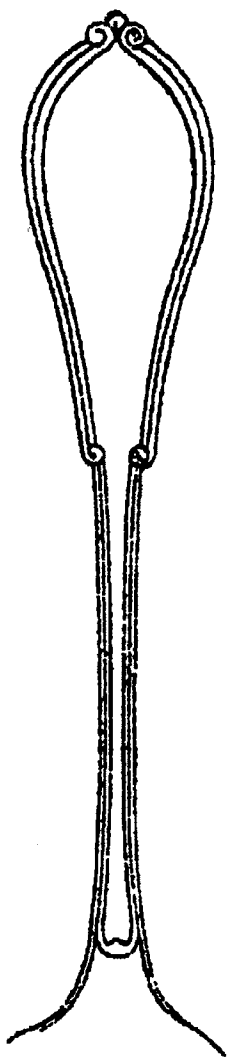
**Rival's Accused Crock Pot Designs**

	<u>Model No.</u>	<u>Body Finish</u>	<u>Knob or Loop</u>	<u>Size</u>	<u>Controls</u>	<u>Photo</u>
1.	3730W	White	Knob	3 Quart	Rotary, 2 Position	Yes
2.	37351C	Stainless	Knob	3 1/2 Quart	Rotary, 3 Position	Yes
3.	3735W	White	Knob	3 1/2 Quart	Rotary, 2 Position	No
4.	3735WN	White	Loop	3 1/2 Quart	Rotary, 2 Position	Yes
5.	37401W	White	Loop	4 Quart	Rotary, 3 Position	Yes
6.	3752SM	Floral	Knob	5 Quart	Rotary, 2 Position	Yes
7.	37601VEG	Vegetables	Loop	6 Quart	Rotary, 3 Position	Yes
8.	38551W	White	Loop	5 1/2 Quart	Digital, Programable	Yes
9.	38601C	Stainless	Loop	6 Quart	Digital, Programable	No
10.	38601W	White	Loop	6 Quart	Digital, Programable	Yes
11.	38651C	Stainless	Loop	6 Quart	Digital, Programable	No
12.	5070TCVG	Vegetables	Loop	7 Quart	Rotary, 3 Position	No
13.	5070TCW	White	Knob	7 Quart	Rotary, 3 Position	No
14.	5445BCN	Stainless	Knob	4 1/2 Quart	Rotary, 2 Position	No
15.	6445BC	White	Knob	6 1/2 Quart	Rotary, 2 Position	No
16.	64451C	Stainless	Loop	6 1/2 Quart	Rotary, 3 Position	No
17.	64451LDC	Stainless	Loop	6 1/2 Quart	Rotary, 3 Position	No
18.	SCP609WS	White	Loop	6 Quart	Digital, Programable	No
19.	SCV400R	Red	Loop	4 Quart	Rotary, 3 Position	Yes
20.	SCV400SS	Stainless	Loop	4 Quart	Rotary, 3 Position	Yes
21.	SCV401BS	Stainless	Loop	4 Quart	Rotary, 3 Position	No
22.	SCV450SS	Stainless	Knob	4 1/2 Quart	Rotary, 2 Position	No
23.	SCV450SS	Stainless	Loop	4 1/2 Quart	Rotary, 2 Position	Yes
24.	SCV500SM	Floral	Knob	5 Quart	Rotary, 2 Position	No
25.	SCV551KW	White	Loop	5 1/2 Quart	Rotary, 2 Position	No
26.	SCV553KM	White	Loop	5 1/5 Quart	Rotary, 3 Position	Yes
27.	SCV601BS	Stainless	Loop	6 Quart	Rotary, 3 Position	No
28.	SCV610WM	Green Floral	Loop	6 Quart	Rotary, 3 Position	Yes
29.	SCVC604	Stainless	Loop	6 Quart	Digital, Programable	Yes
30.	SCVP600SS	Stainless	Loop	6 Quart	Digital, Programable	No
31.	SCVP601K	Stainless	Loop	6 Quart	Digital, Programable	No
32.	SCVP601UM	Stainless	Loop	6 Quart	Digital, Programable	Yes
33.	SCVP609KLS	White	Loop	6 Quart	Digital, Programable	Yes
34.	SCVP609TG	White	Loop	6 Quart	Digital, Programable	Yes

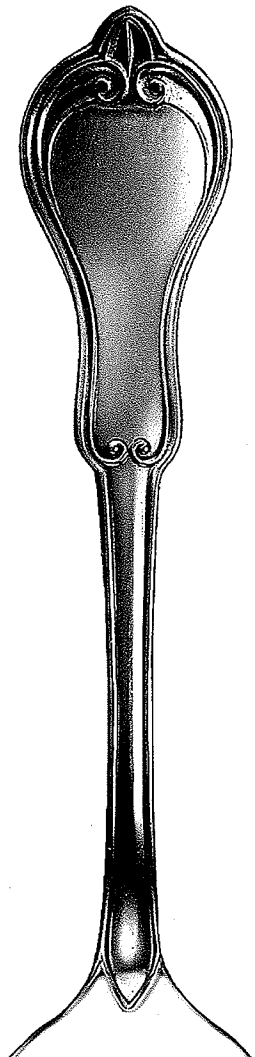


# Gorham v. White

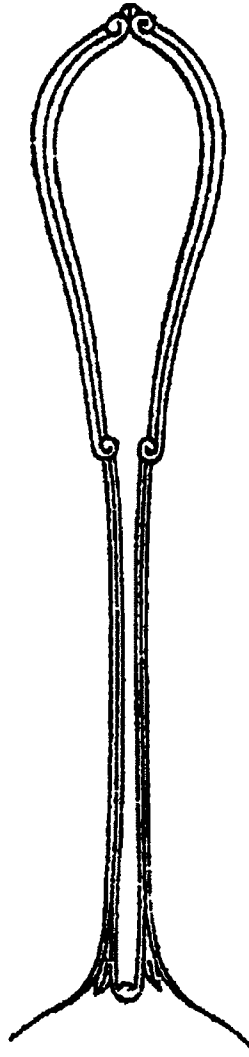
81 U.S. (14 Wall.) 511 (1871)



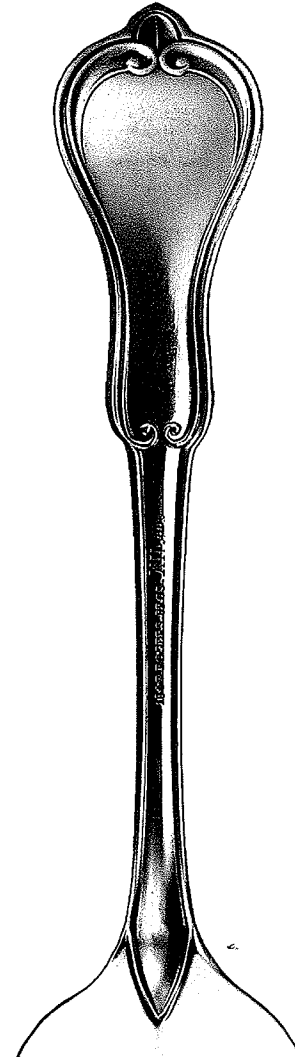
Gorham's '440  
Design Patent  
Figure 1  
Front View



White's  
Accused  
Device  
Front View



Gorham's '440  
Design Patent  
Figure 2  
Rear View



White's  
Accused  
Device  
Rear View



Representative Sample of Rival's Accused Design With Knob



Representative Sample of Rival's Accused Design With Loop





Representative Sample of Rival's Accused Design with Stainless Steel Body



Representative Sample of Rival's Accused Design with Printed Floral Body





## **EXHIBIT G – Part 4**



Representative Sample of Rival's Accused Design with Digital Programmable Control



Representative Sample of Rival's Accused Design with Rotary Control





Representative Sample of Rival's Accused 3 Quart Design

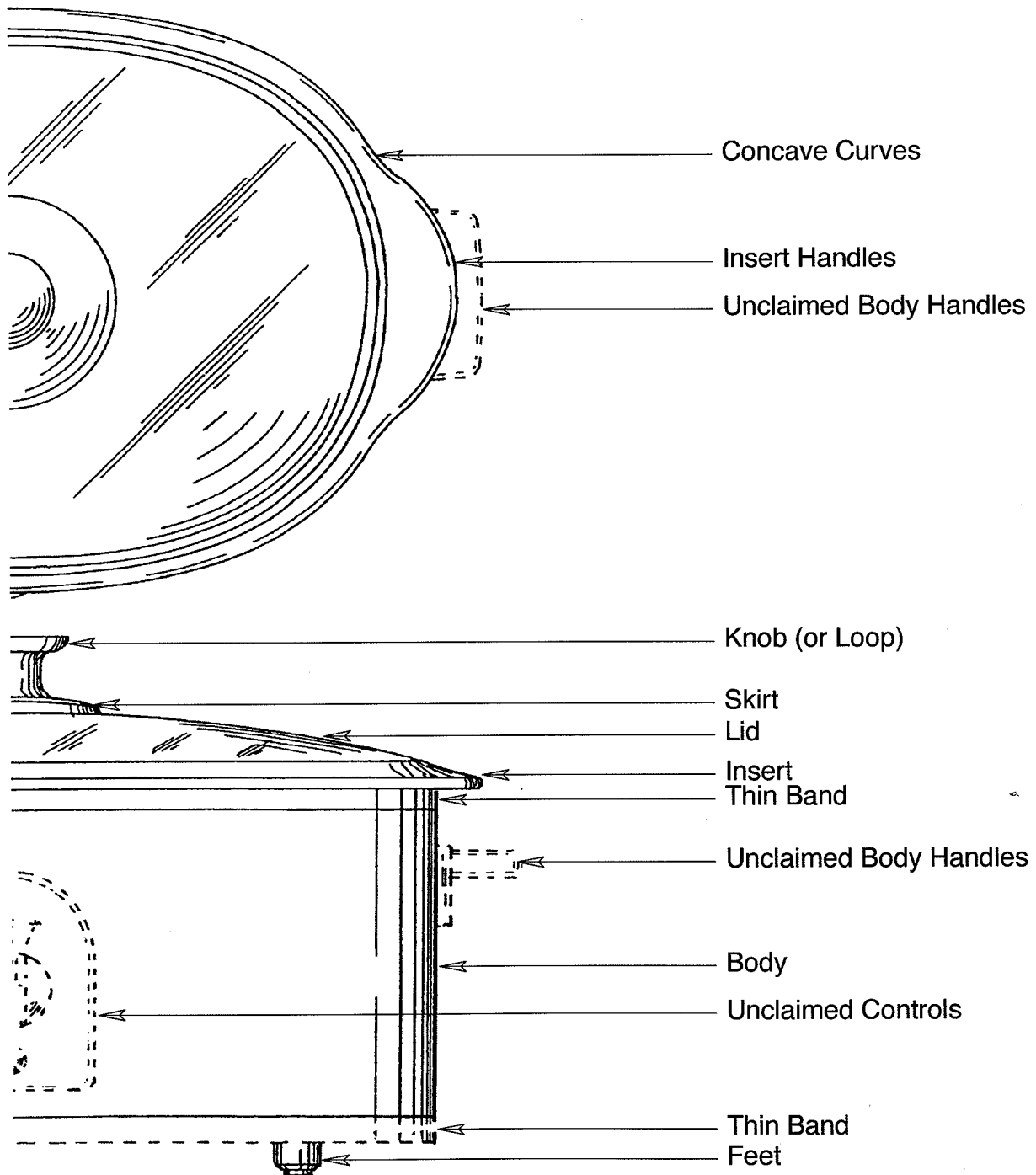


Representative Sample of Rival's Accused 7 Quart Design





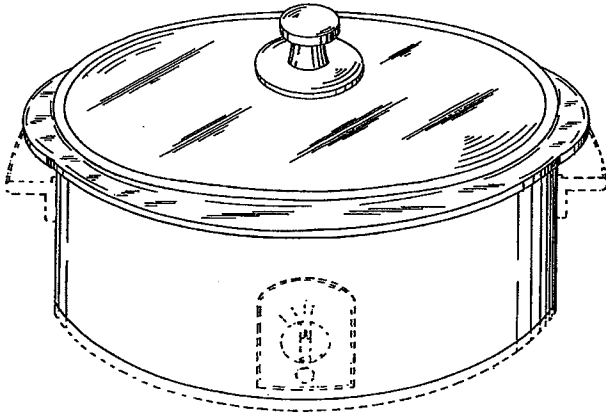
### A Guide to the Design's Terminology



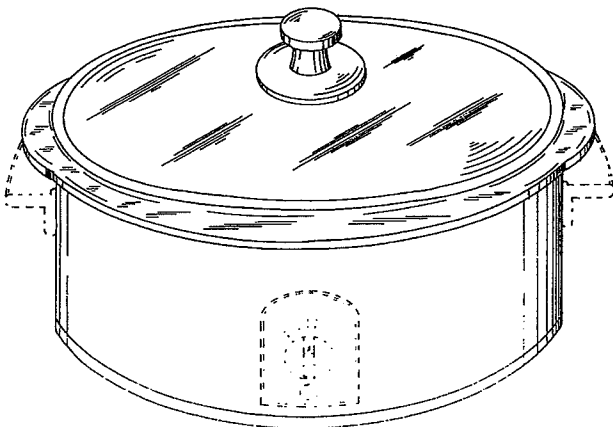




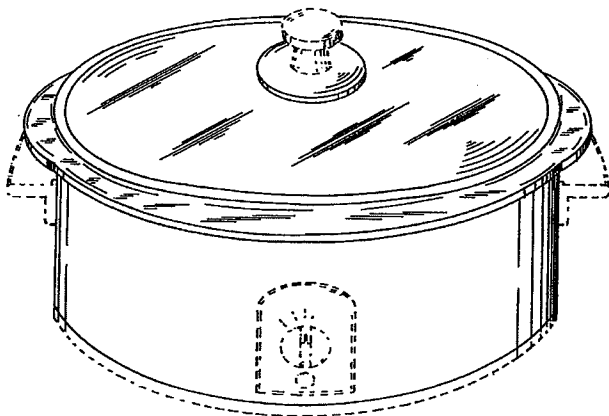
West Bend's '664 Design Patent's Fig. 1, Perspective View



West Bend's '266 Design Patent's Fig. 1, Perspective View



West Bend's '993 Design Patent's Fig. 1, Perspective View



Representative Sample of Rival's Accused Design with Knob, Perspective View

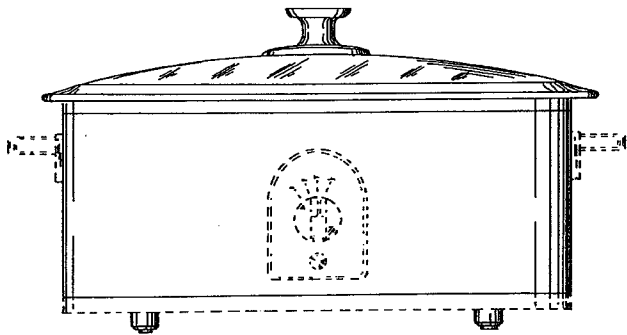


Representative Sample of Rival's Accused Design with Loop, Perspective View

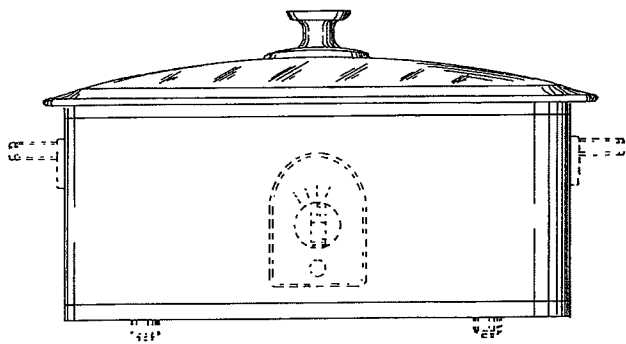




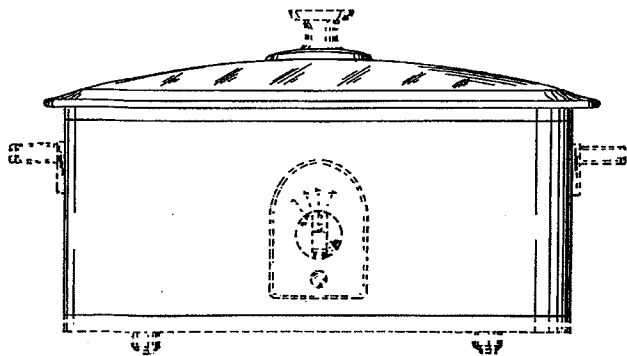
West Bend's '664 Design Patent's Fig. 2, Front View



West Bend's '266 Design Patent's Fig. 2, Front View



West Bend's '993 Design Patent's Fig. 2, Front View



Representative Sample of Rival's Accused Design with Knob, Front View

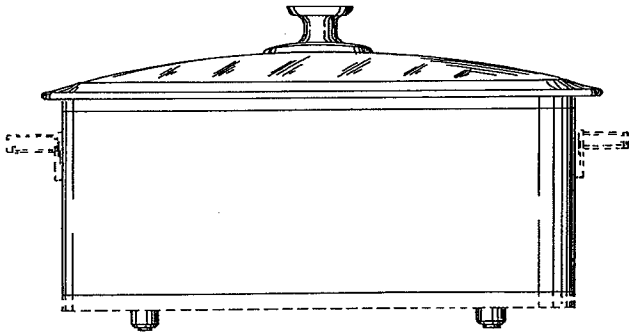


Representative Sample of Rival's Accused Design with Loop, Front View

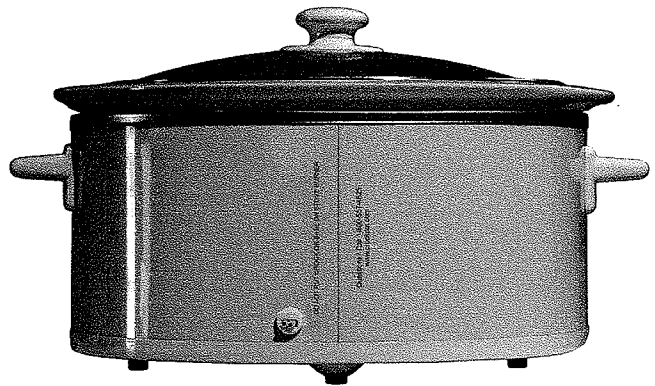




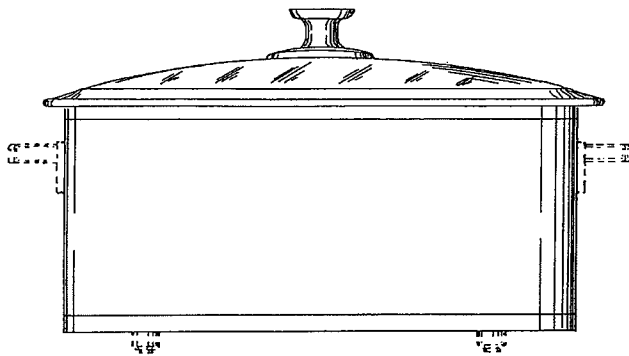
West Bend's '664 Design Patent's Fig. 3, Rear View



Representative Sample of Rival's Accused Design with Knob, Rear View



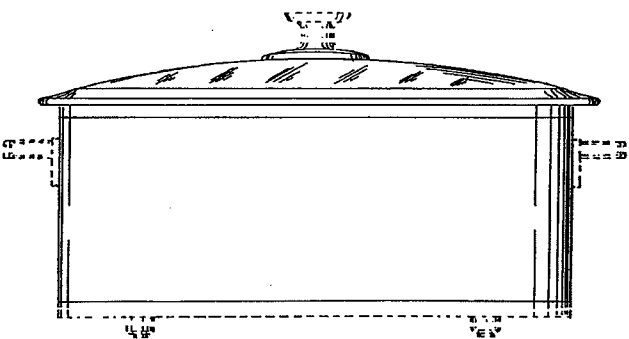
West Bend's '266 Design Patent's Fig. 3, Rear View



Representative Sample of Rival's Accused Design with Loop, Rear View

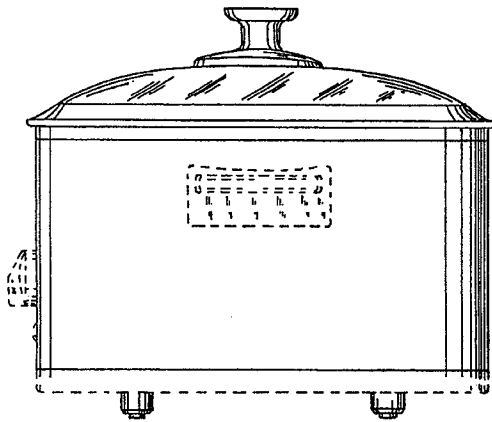


West Bend's '993 Design Patent's Fig. 3, Rear View

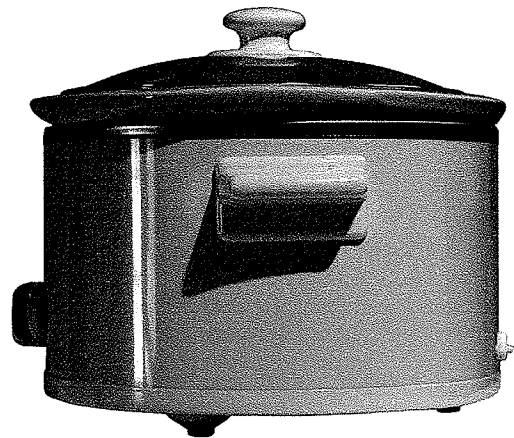




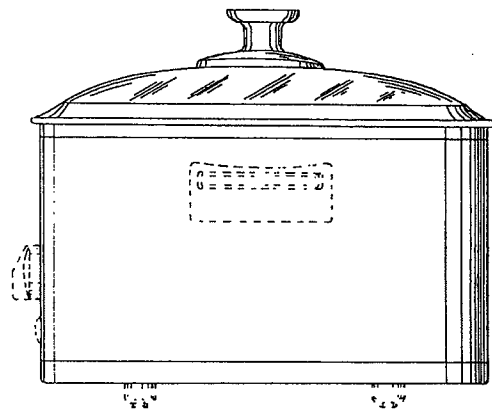
West Bend's '664 Design Patent's Fig. 4, Right Side View



Representative Sample of Rival's Accused Design with Knob, Right Side View



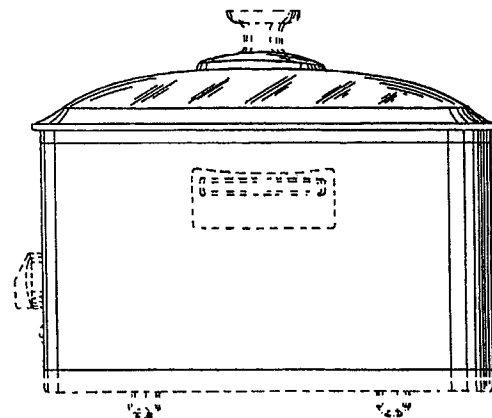
West Bend's '266 Design Patent's Fig. 4, Right Side View



Representative Sample of Rival's Accused Design with Loop, Right Side View



West Bend's '993 Design Patent's Fig. 4, Right Side View

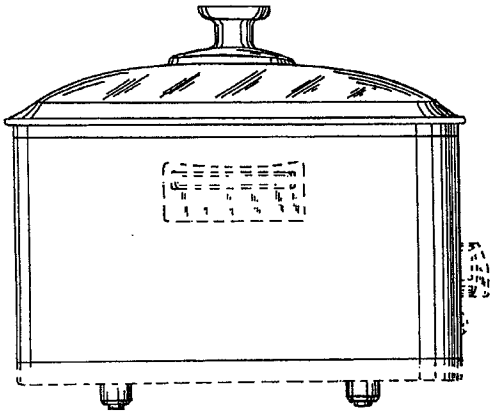




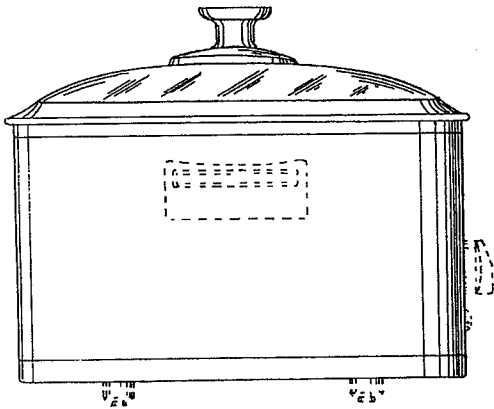




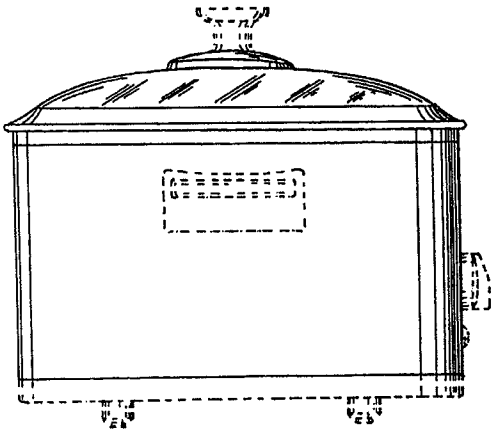
West Bend's '664 Design Patent's Fig. 5, Left Side View



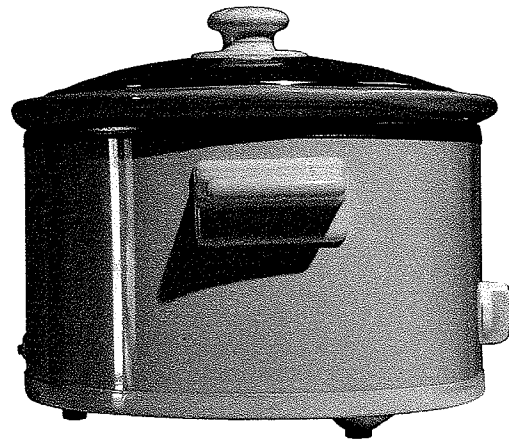
West Bend's '266 Design Patent's Fig. 5, Left Side View



West Bend's '993 Design Patent's Fig. 5, Left Side View



Representative Sample of Rival's Accused Design with Knob, Left Side View

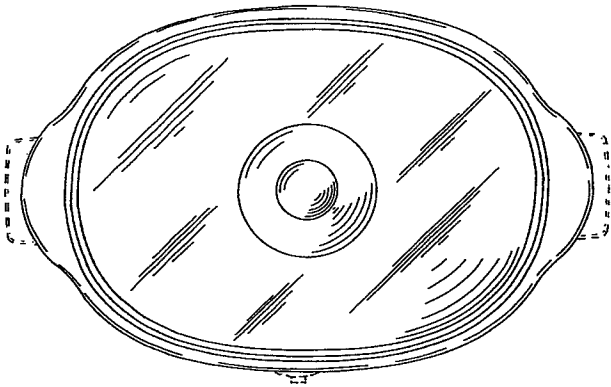


Representative Sample of Rival's Accused Design with Loop, Left Side View

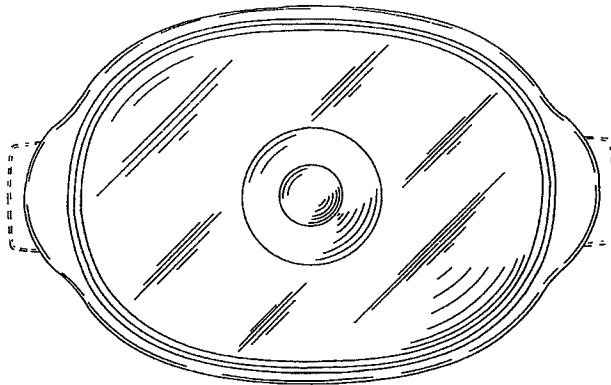




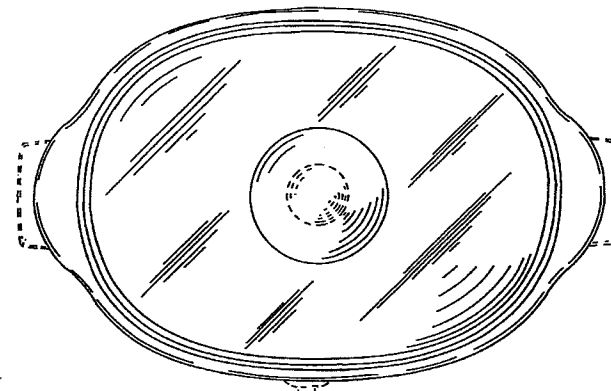
West Bend's '664 Design Patent's Fig. 6, Top Plan View



West Bend's '266 Design Patent's Fig. 6, Top Plan View



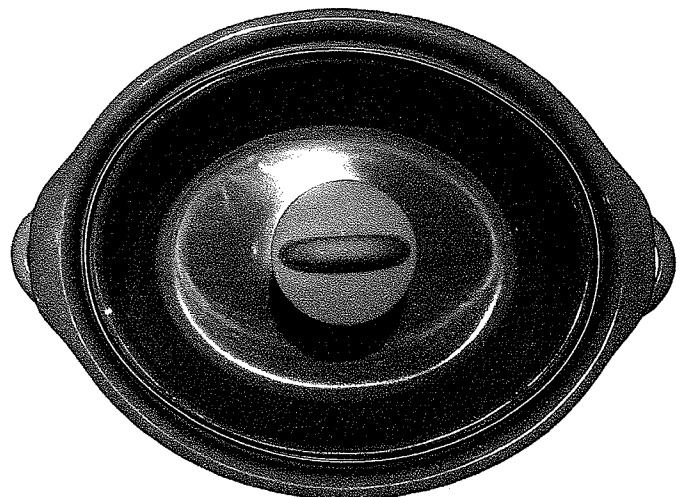
West Bend's '993 Design Patent's Fig. 6, Top Plan View



Representative Sample of Rival's Accused Design with Knob, Top Plan View

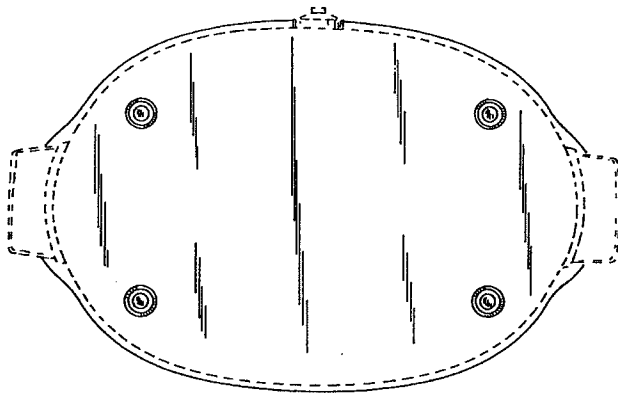


Representative Sample of Rival's Accused Design with Loop, Top Plan View

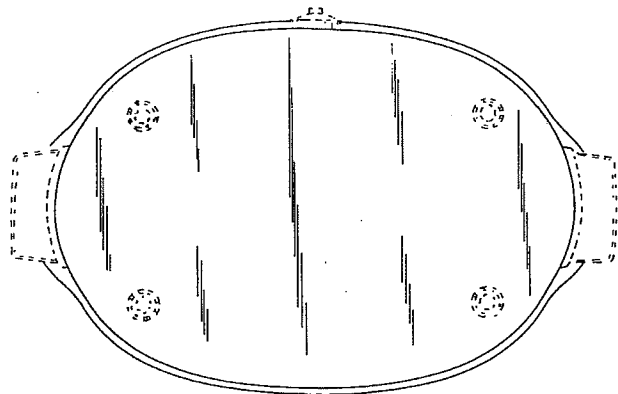




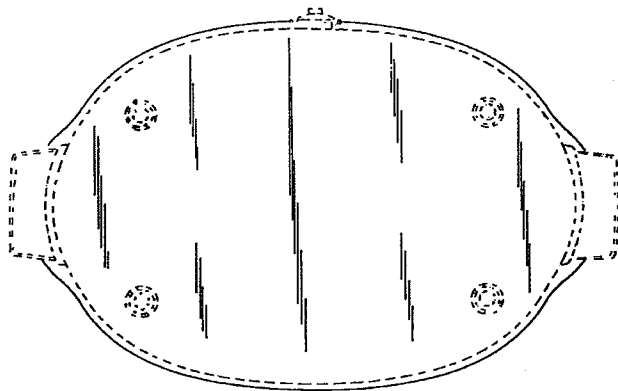
West Bend's '664 Design Patent's Fig. 7, Bottom Plan View



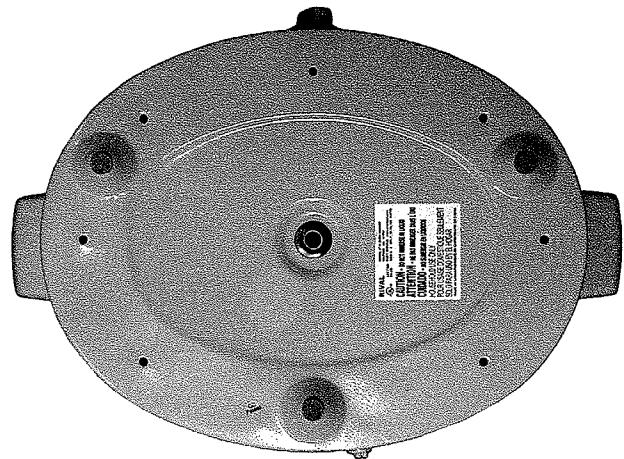
West Bend's '266 Design Patent's Fig. 7, Bottom Plan View



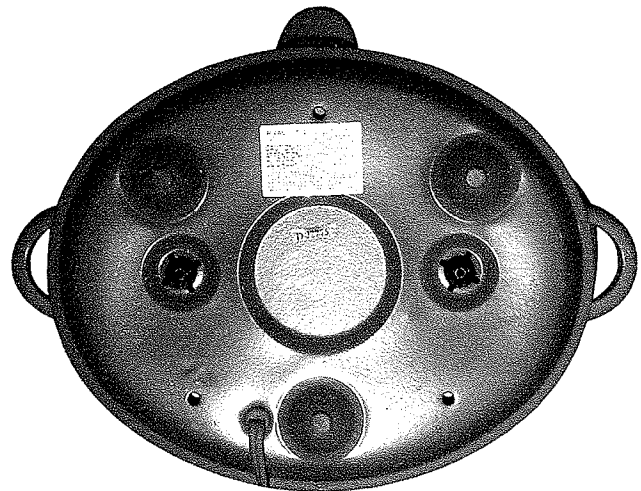
West Bend's '993 Design Patent's Fig. 7, Bottom Plan View



Representative Sample of Rival's Accused Design with Knob, Bottom Plan View



Representative Sample of Rival's Accused Design with Loop, Bottom Plan View





June 15, 1937.

G. R. COSS

Des. 104,914

ELECTRIC ROASTER

Filed March 22, 1937

FIG. 1.

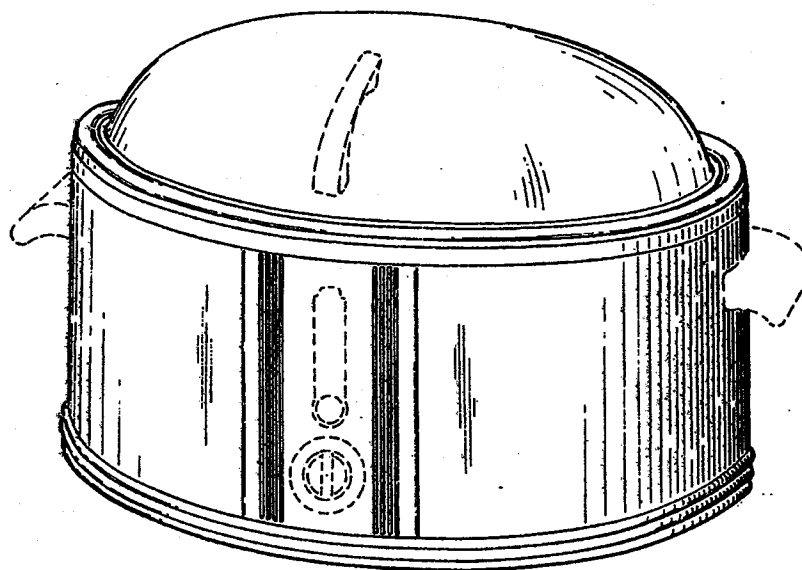
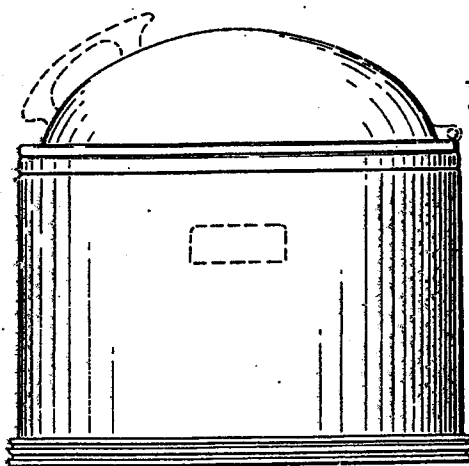


FIG. 2.



Inventor  
George R. Coss

By

Owen &amp; Owen,

Attorneys.

Patented June 15, 1937

Des. 104,914

# UNITED STATES PATENT OFFICE

104,914

## DESIGN FOR AN ELECTRIC ROASTER

George R. Coss, Toledo, Ohio, assignor to The  
Swartzbaugh Manufacturing Company, Toledo,  
Ohio, a corporation of Ohio

Application March 22, 1937, Serial No. 68,328

Term of patent 7 years

*To all whom it may concern:*

Be it known that I, George R. Coss, a citizen of the United States and resident of Toledo, in the county of Lucas and State of Ohio, have invented a new, original, and ornamental Design for an Electric Roaster, of which the following is a specification, reference being had to the accompanying drawing, forming a part thereof.

Fig. 1 is a front perspective elevation of an electric roaster showing my new design, and Fig. 2 is an end elevation thereof.

*I claim:*

The ornamental design for an electric roaster, substantially as shown.

GEORGE R. COSS.



May 24, 1949.

A. D. MORTRUDE

Des. 153,894

DUTCH OVEN

Filed June 12, 1947

2 Sheets-Sheet 1

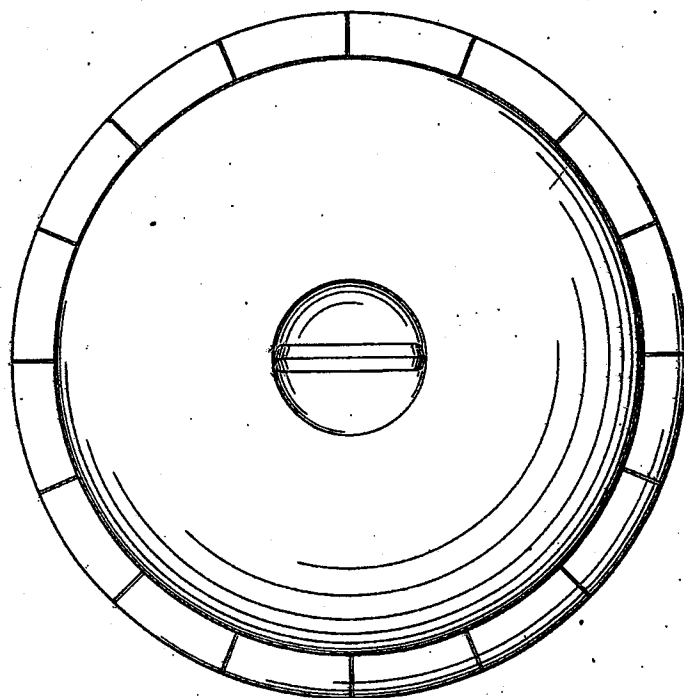


FIG. 1

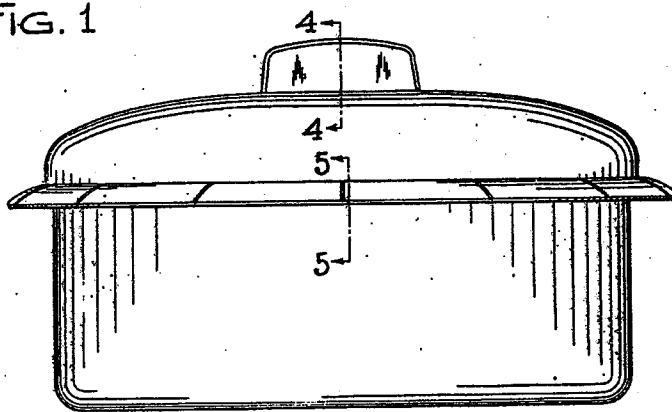


FIG. 2

INVENTOR.  
ALBERT D. MORTRUDE  
BY  
*William J. Siler*  
ATTORNEY

May 24, 1949.

A. D. MORTRUDE

Des. 153,894

DUTCH OVEN

Filed June 12, 1947

2 Sheets-Sheet 2

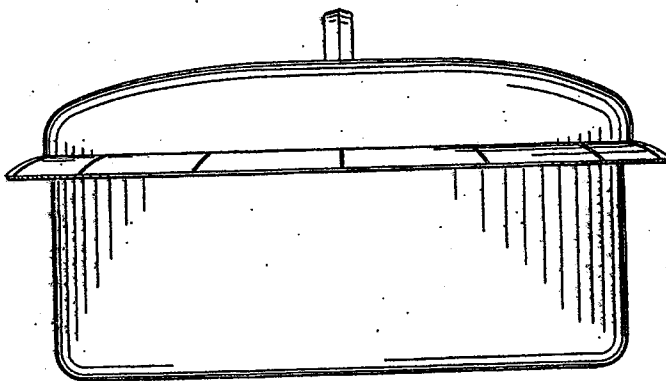


FIG. 3

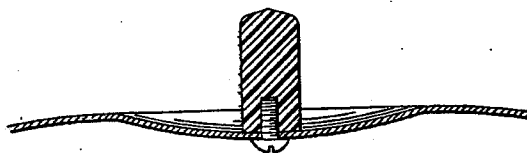


FIG. 4

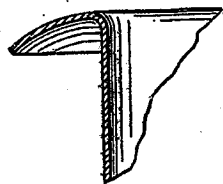


FIG. 5

INVENTOR.

ALBERT D. MORTRUDE

BY

*William J. Allen*

ATTORNEY.

## **EXHIBIT G – Part 5**

Patented May 24, 1949

Des. 153,894

# UNITED STATES PATENT OFFICE

153,894

## DESIGN FOR A DUTCH OVEN

Albert D. Mortrude, Detroit, Mich., assignor to  
Kromex Corporation, Cleveland, Ohio, a corporation of Ohio

Application June 12, 1947, Serial No. 139,616

Term of patent 14 years

(Cl. D44-1)

### *To all whom it may concern:*

Be it known that I, Albert D. Mortrude, a citizen of the United States, residing at Detroit, county of Wayne, and State of Michigan, have invented a new, original, and ornamental Design for Dutch Oven, of which the following is a specification, reference being had to the accompanying drawing, forming a part thereof.

Fig. 1 is a plan view of a dutch oven, showing my new design;

Fig. 2 is a side elevational view of the dutch oven;

Fig. 3 is an end elevational view of the dutch oven;

Fig. 4 is a fragmentary cross-sectional view of the cover, taken on the line 4-4 of Fig. 2, and

Fig. 5 is a fragmentary cross-sectional view of the oven body taken on line 5-5 of Fig. 2.

I claim:

The ornamental design for a dutch oven, substantially as shown.

ALBERT D. MORTRUDE.

### REFERENCES CITED

The following references are of record in the file of this patent:

#### UNITED STATES PATENTS

Number	Name	Date
D. 67,011	Clark .....	Apr. 14, 1925
1,863,793	Hermani .....	June 21, 1932

#### OTHER REFERENCES

Everyday Chrome Cook Ware Cat., No. 41, p. 5, items 9300 and 9310.

Arrow Aluminum Cooking Utensils Cat. No. 42, 1941, p. 38, item 7604.

# United States Patent Office

Des. 199,747  
Patented Dec. 8, 1964

199,747

## COOKING UTENSIL

Milton H. Farber, 54 Holly Drive, New Rochelle, N.Y.

Continuation of design applications Ser. Nos. 76,146 and 76,147, Aug. 8, 1963. This application Apr. 23, 1964, Ser. No. 79,812

Term of patent 14 years

(Cl. D44-1)

FIG. 1

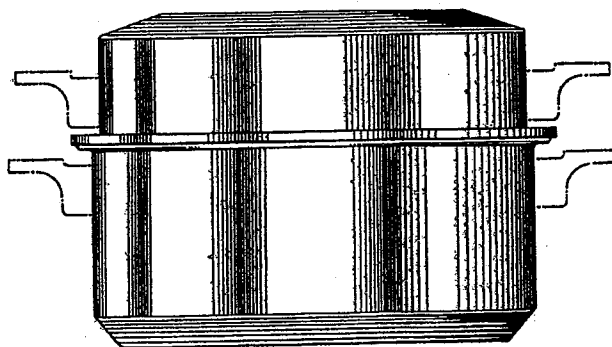
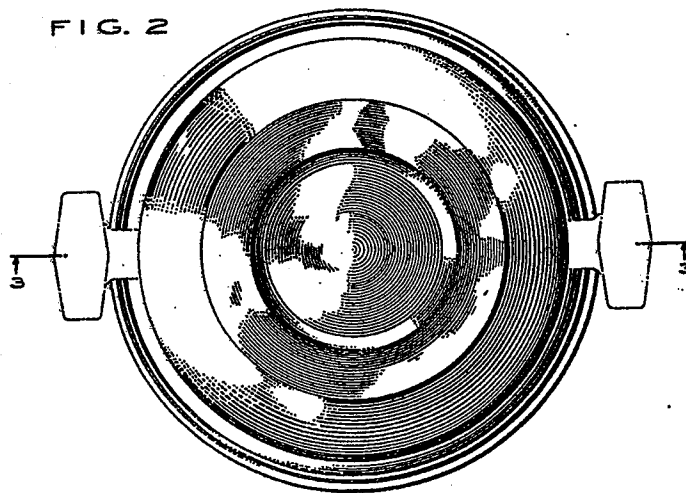


FIG. 2



Des. 199,747

PAGE 2

FIG. 3

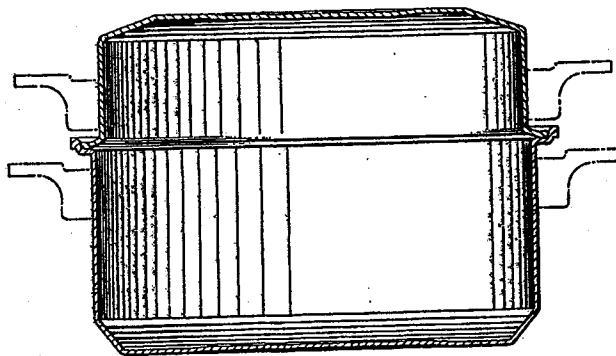
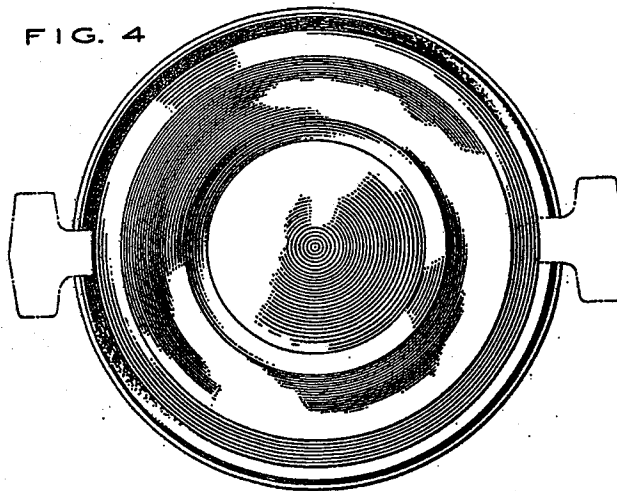


FIG. 4



Des. 199,747

PAGE 3

FIG. 5

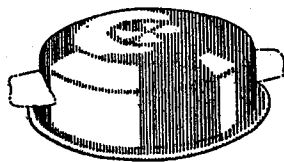
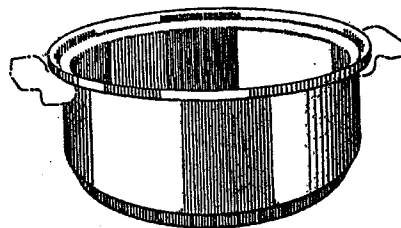
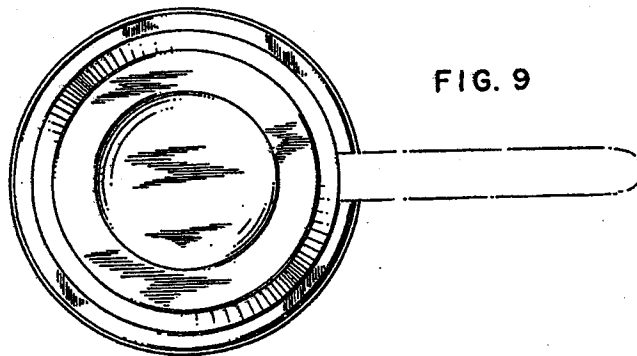
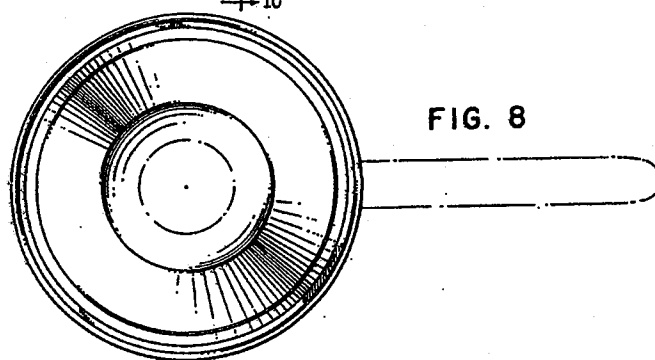
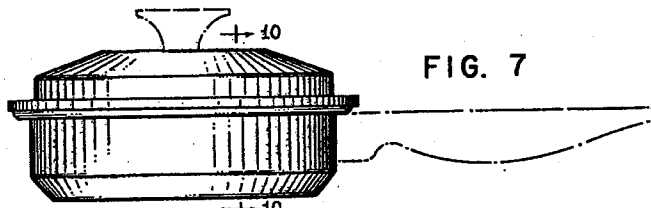


FIG. 6



Des. 199,747

PAGE 4





Des. 199,747

PAGE 5

FIG. 10

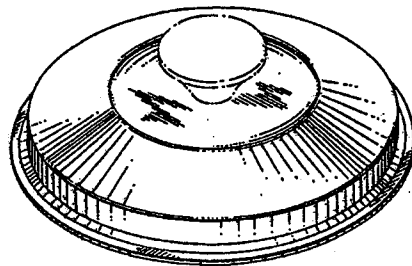
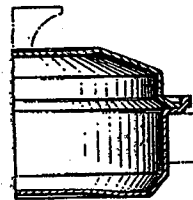


FIG. 11

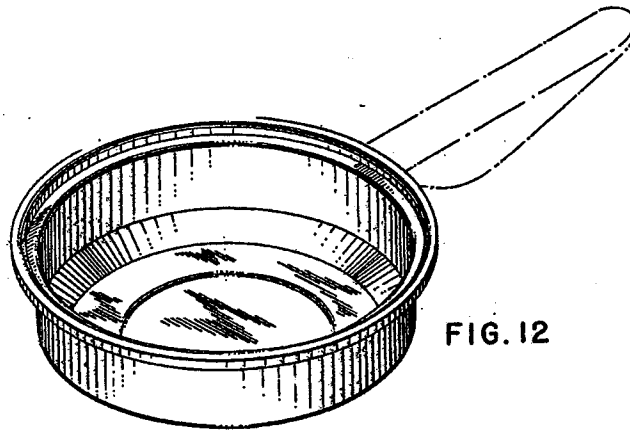


FIG. 12

FIG. 1 is a side elevational view of a cooking utensil, showing my new design wherein the utensil takes the form of a Dutch oven or similar article, and wherein the proportions are as shown;

FIG. 2 is a top plan view thereof;

FIG. 3 is a sectional view taken on line 3—3 of FIG. 2;

FIG. 4 is a bottom plan view;

FIG. 5 is a reduced scale top perspective view of the cover element shown in FIG. 2;

FIG. 6 is a reduced scale top perspective view of the lower element shown in FIG. 1;

FIG. 7 is a side elevational view of another embodiment of a cooking utensil showing my new design wherein the utensil takes the form of a sauce pan or similar article, and wherein the proportions are as shown;

FIG. 8 is a top plan view thereof;

FIG. 9 is a bottom plan view;

FIG. 10 is a fragmentary cross-sectional view taken on line 10—10 of FIG. 7;

FIG. 11 is a top perspective view of the cover element shown in FIG. 7; and

FIG. 12 is a top perspective view of the lower element shown in FIG. 7

The essential features of my new design are shown in full lines.

This application is a continuation of my applications Serial No. D. 76,146, filed August 8, 1963, and D. 76,147, also filed August 8, 1963, both now abandoned.

I claim:

The ornamental design for a cooking utensil, as shown and described.

#### References Cited by the Examiner

##### UNITED STATES PATENTS

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D. 178,690	9/56	Painter	-----	D44—1

##### OTHER REFERENCES

Hardware Age, June 19, 1958, p. 70, cake carrier in upper right panel.

EDWIN H. HUNTER, *Primary Examiner*.

JOEL STEARMAN, *Examiner*.

**United States Patent** {19}**Rinaldi**{11} **Des. 248,363**{45} **\*\* Jul. 4, 1978**{54} **ELECTRIC SLOW COOKER**{75} **Inventor: Joseph A. Rinaldi, Oradell, N.J.**{73} **Assignee: Rival Manufacturing Company,  
Kansas City, Mo.**{\*\*} **Term: 14 Years**{21} **Appl. No.: 783,953**{22} **Filed: Apr. 1, 1977**{51} **Int. Cl. .... D7-02**{52} **U.S. Cl. .... D7/94; D7/97**{58} **Field of Search .... D7/97, 94, 17**{56} **References Cited****U.S. PATENT DOCUMENTS**

D. 54,898	4/1920	Churchill .....	D7/20
D. 160,070	9/1950	Carr .....	D7/97
D. 170,575	10/1953	Jepson .....	D7/94
D. 170,766	11/1953	Petertil .....	D7/94
D. 174,721	5/1955	Steinbook .....	D7/94

D. 221,096	7/1971	Tevolitz et al. ....	D7/94
D. 233,397	10/1974	McCue .....	D7/94

**OTHER PUBLICATIONS**

House &amp; Garden, May 1973, p. 168, Rival "Crock-Pot" shown at left.

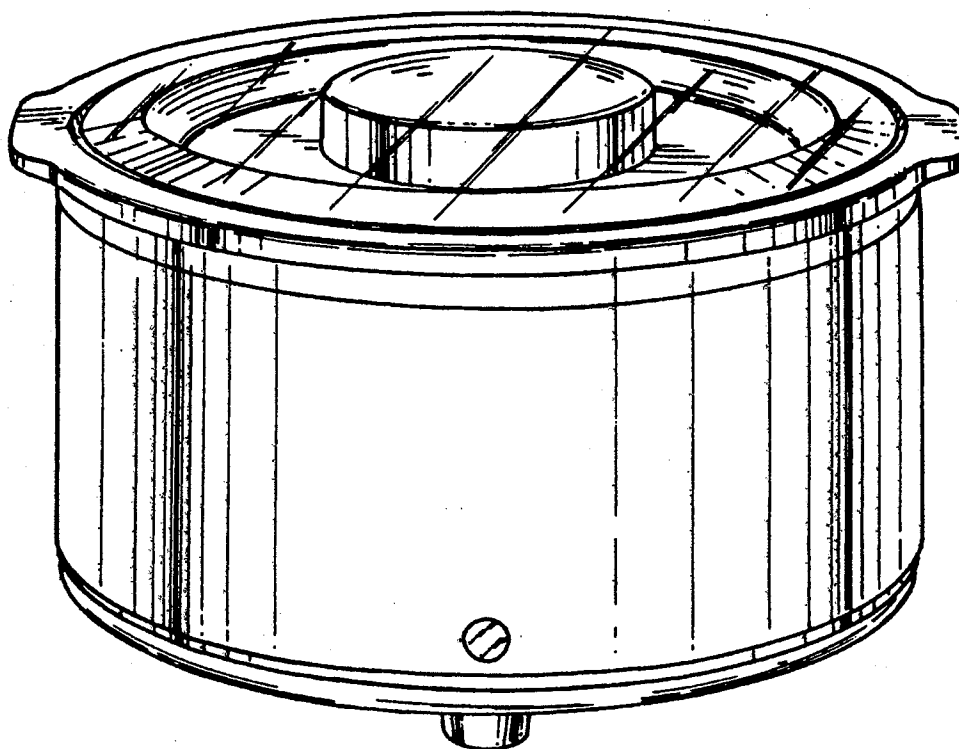
*Primary Examiner*—Winifred E. Herrmann  
*Attorney, Agent, or Firm*—Claude W. Lowe

{57} **CLAIM**

The ornamental design for an electric slow cooker, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of an electric slow cooker showing my new design;  
 FIG. 2 is a front elevational view thereof;  
 FIG. 3 is a side elevational view thereof as seen from the right of FIG. 2;  
 FIG. 4 is a rear elevational view thereof;  
 FIG. 5 is a top plan view thereof; and  
 FIG. 6 is a bottom plan view thereof.

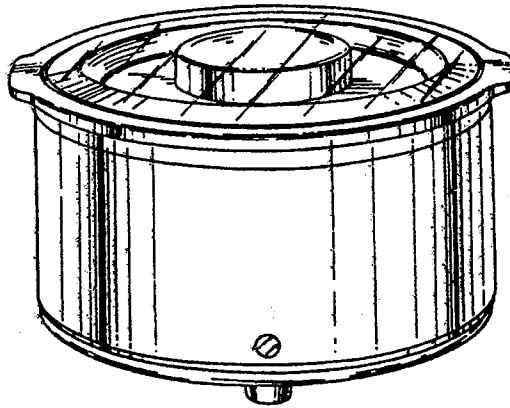


U.S. Patent

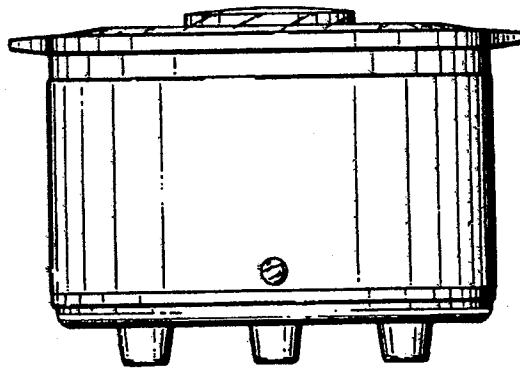
July 4, 1978 Sheet 1 of 2

Des. 248,363

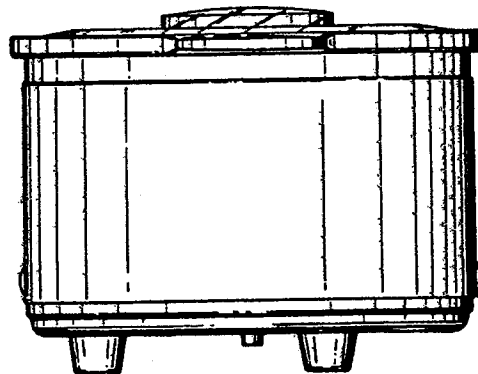
*Fig. 1.*



*Fig. 2.*



*Fig. 3.*

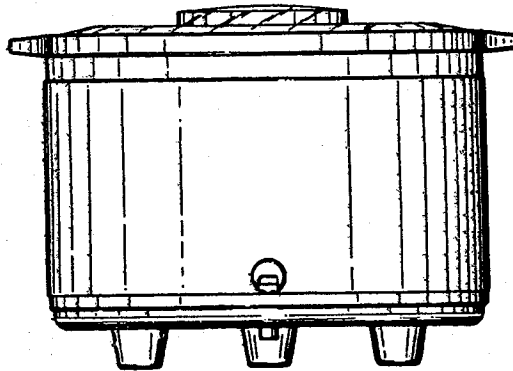


U.S. Patent

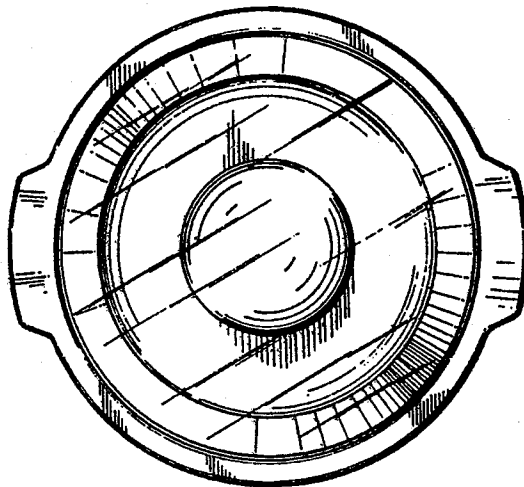
July 4, 1978 Sheet 2 of 2

Des. 248,363

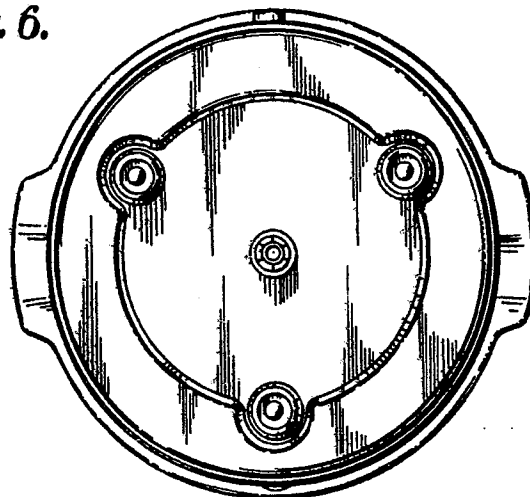
*Fig. 4.*



*Fig. 5.*



*Fig. 6.*



**United States Patent** [19]

Anderson, Jr.

[11] **Des. 253,574**[45] **\*\* Dec. 4, 1979**[54] **CASSEROLE WITH COVER SEPARATELY USABLE AS PIE PLATE OR THE LIKE**[75] Inventor: William M. Anderson, Jr.,  
Lynnwood, Wash.

[73] Assignee: AMG Industries, Inc., Seattle, Wash.

[\*\*] Term: 14 Years

[21] Appl. No.: 821,982

[22] Filed: Aug. 5, 1977

[51] Int. Cl. .... D7-02

[52] U.S. Cl. .... D7/97; D7/17;  
D7/23[58] Field of Search .... D7/21, 20, 19, 16, 17,  
D7/18, 97, 23, 40; D9/1, 220

[56] References Cited

**U.S. PATENT DOCUMENTS**

D. 148,948	3/1948	Ovenshire	.....	D7/97
D. 202,912	11/1965	DePuy et al.	.....	D7/97
D. 212,820	11/1968	Benes	.....	D7/97
3,065,744	11/1962	Scavullo	.....	D7/16 X
3,164,285	1/1965	Melich	.....	D7/21 X

3,360,153 12/1967 Wheaton, Jr. .... D7/17 X

Primary Examiner—Winifred E. Herrmann  
Attorney, Agent, or Firm—John O. Graybeal[57] **CLAIM**

The ornamental design for a casserole with cover separately usable as pie plate or the like, substantially as shown.

**DESCRIPTION**

FIG. 1 is a top perspective view of a casserole with cover separately usable as pie plate or the like showing my new design;

FIG. 2 is a side elevational view thereof;

FIG. 3 is a top plan view thereof;

FIG. 4 is a bottom view thereof;

FIG. 5 is a top perspective view thereof with the cover omitted;

FIG. 6 is a side elevational view of FIG. 5;

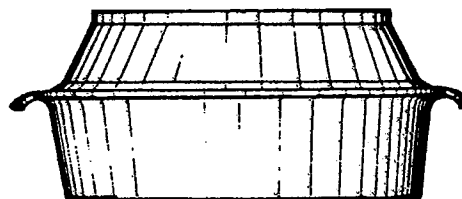
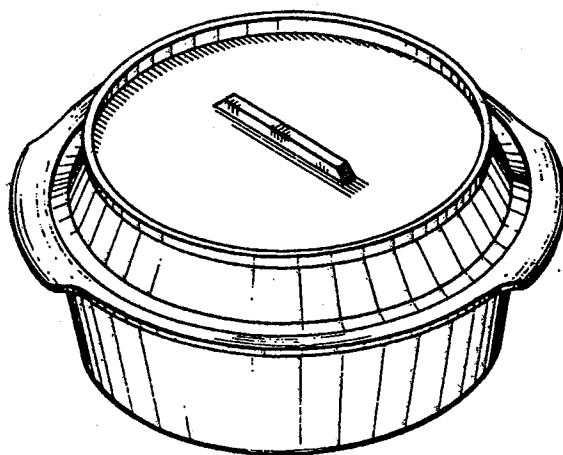
FIG. 7 is a top plan view of FIG. 5;

FIG. 8 is a top perspective view thereof with the casserole omitted;

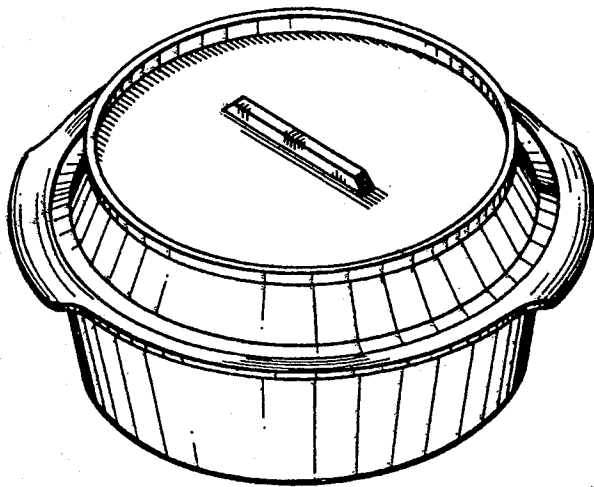
FIG. 9 is a side elevational view of FIG. 8;

FIG. 10 is a top plan view of FIG. 8; and

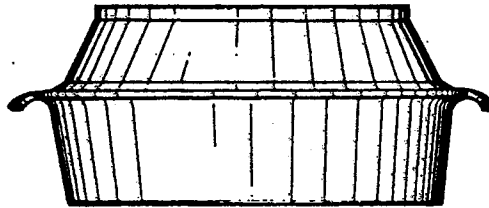
FIG. 11 is a bottom plan view of FIG. 8.



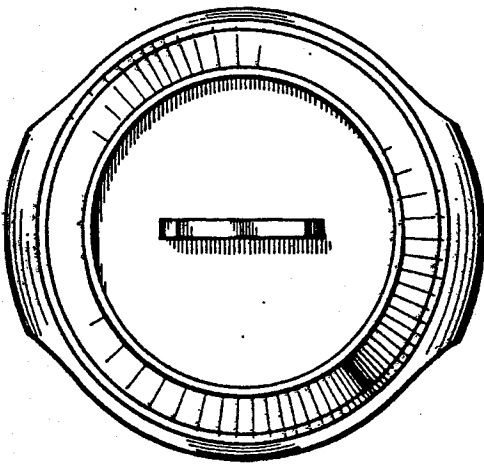
U.S. Patent Dec. 4, 1979 Sheet 1 of 3 Des. 253,574



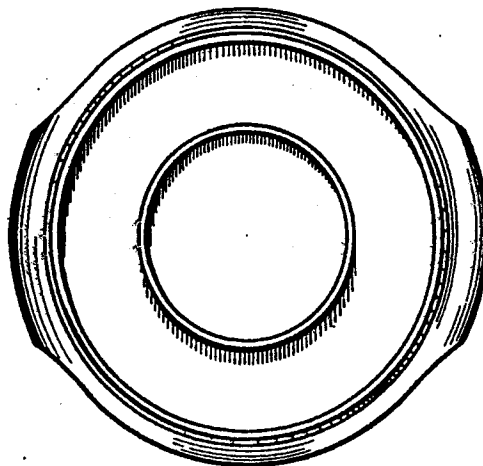
*Fig. 1.*



*Fig. 2.*



*Fig. 3.*



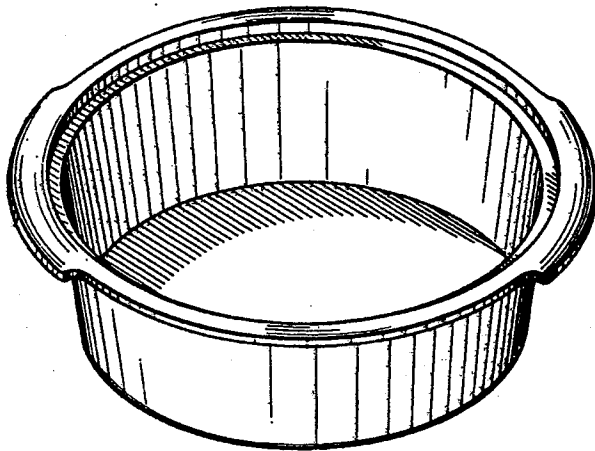
*Fig. 4.*

U.S. Patent

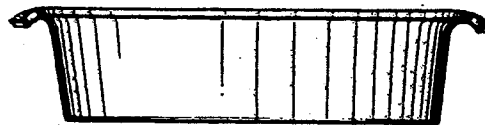
Dec. 4, 1979

Sheet 2 of 3

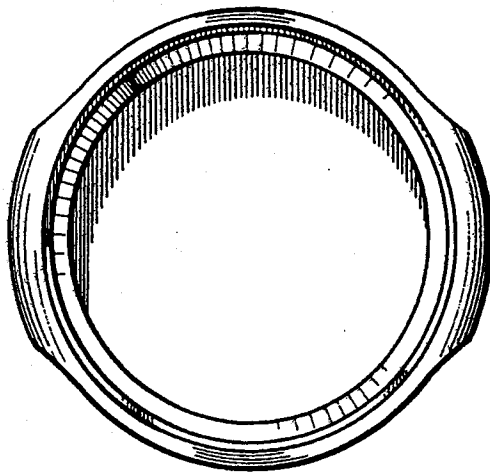
Des. 253,574



*Fig. 5.*

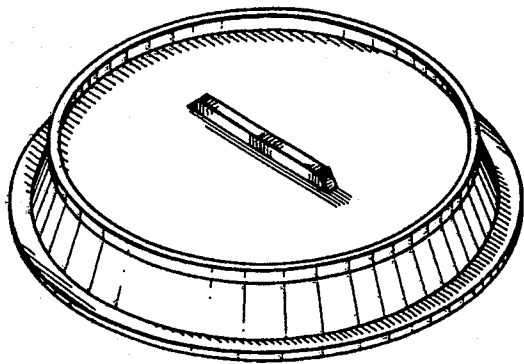


*Fig. 6.*

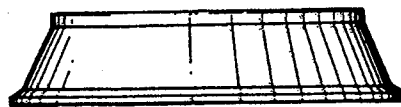


*Fig. 7.*

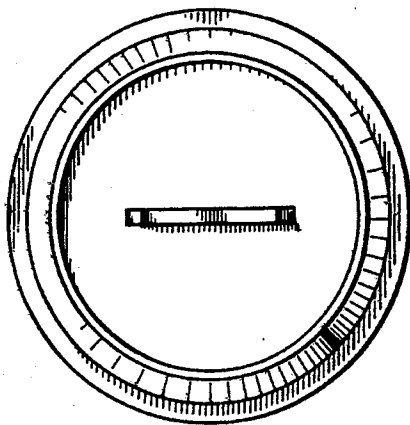
U.S. Patent Dec. 4, 1979 Sheet 3 of 3 Des. 253,574



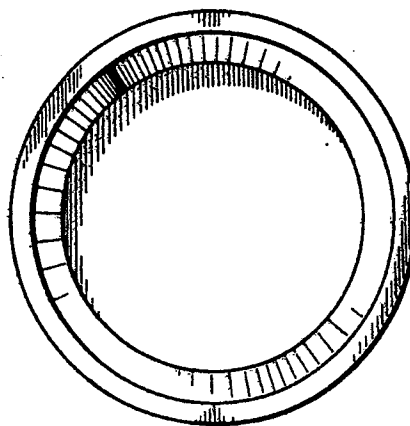
*Fig. 8.*



*Fig. 9.*



*Fig. 10.*



*Fig. 11.*



**United States Patent** [19][11] **Des. 254,355**

Ottier

[45] \*\* Mar. 4, 1980

[54] **DISH**[76] **Inventor:** Sharon Ottier, 15 Wray Ct., Rexdale,  
Ontario, Canada[\*\*] **Term:** 14 Years[21] **Appl. No.:** 898,494[22] **Filed:** Apr. 20, 1978[51] **Int. Cl.** ..... D7-01[52] **U.S. Cl.** ..... D7/20; D7/21;  
D7/97[58] **Field of Search** ..... D7/20, 21, 97, 23, 85,  
D7/27, 17[56] **References Cited****U.S. PATENT DOCUMENTS**D. 225,170 11/1972 Ashton et al. .... D7/21  
3,110,303 11/1963 Brownrigg ..... D7/97 X3,164,285 1/1965 Melich ..... D7/17 X  
3,360,153 12/1967 Wheaton, Jr. .... D7/17 X*Primary Examiner*—Winifred E. Herrmann  
*Attorney, Agent, or Firm*—Donald E. Hewson

[57]

**CLAIM**

The ornamental design for a dish, as shown and described.

**DESCRIPTION**

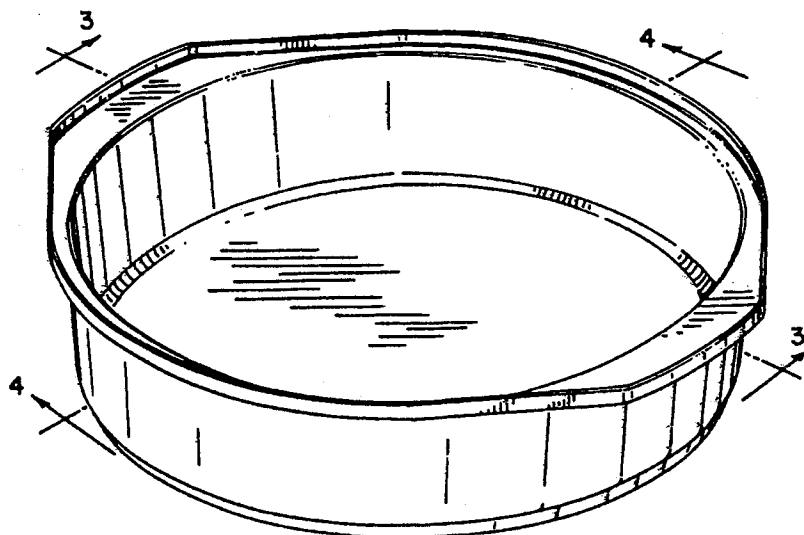
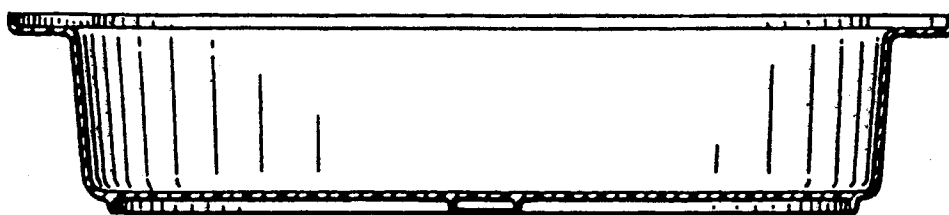
FIG. 1 is a top front perspective view of a dish showing my new design;

FIG. 2 is a bottom rear perspective view thereof;

FIG. 3 is a cross section in the direction of arrows 3—3 in FIG. 1;

FIG. 4 is a cross section in the direction of arrows 4—4 in FIG. 1; and

FIG. 5 is a plan view, from below, of a dish showing my new design.

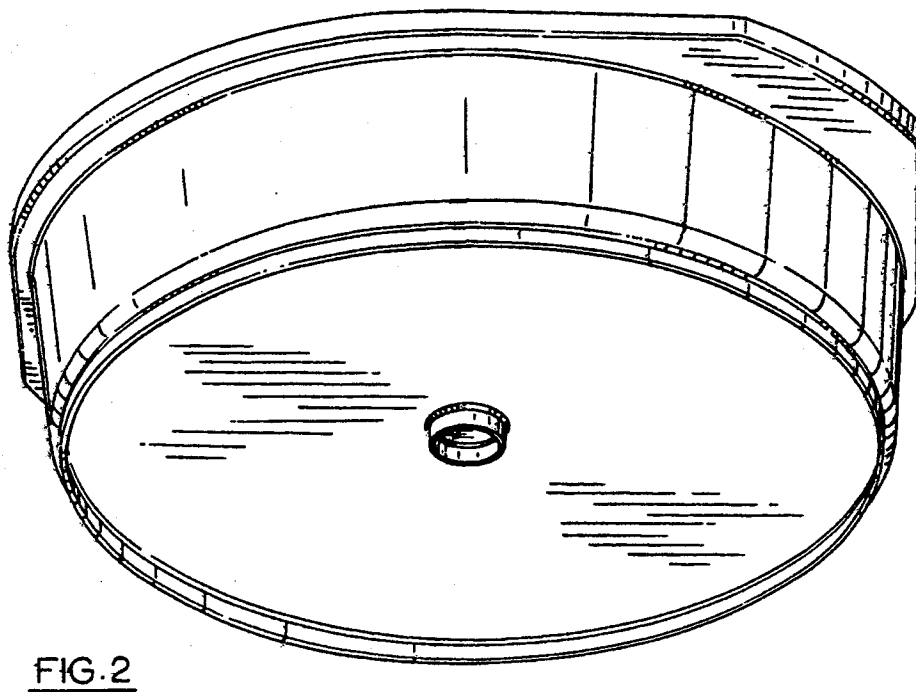
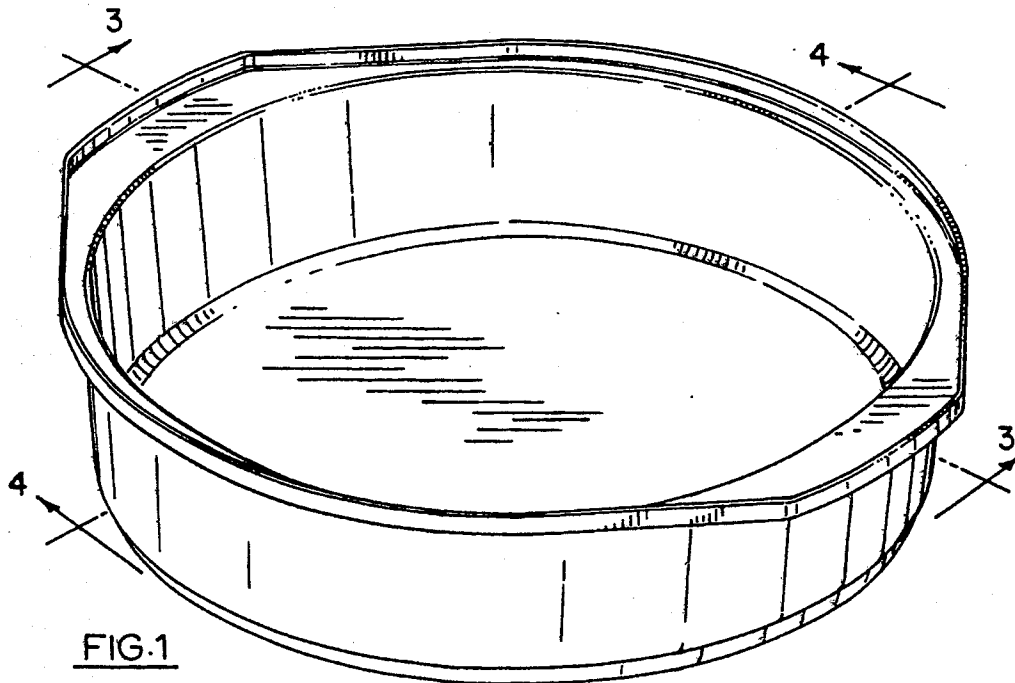


U.S. Patent

Mar. 4, 1980

Sheet 1 of 2

Des. 254,355



U.S. Patent Mar. 4, 1980 Sheet 2 of 2 Des. 254,355



FIG. 3

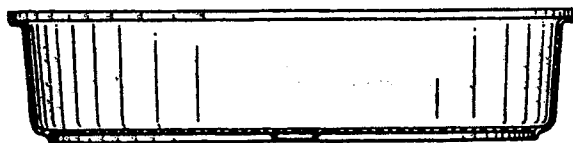


FIG. 4

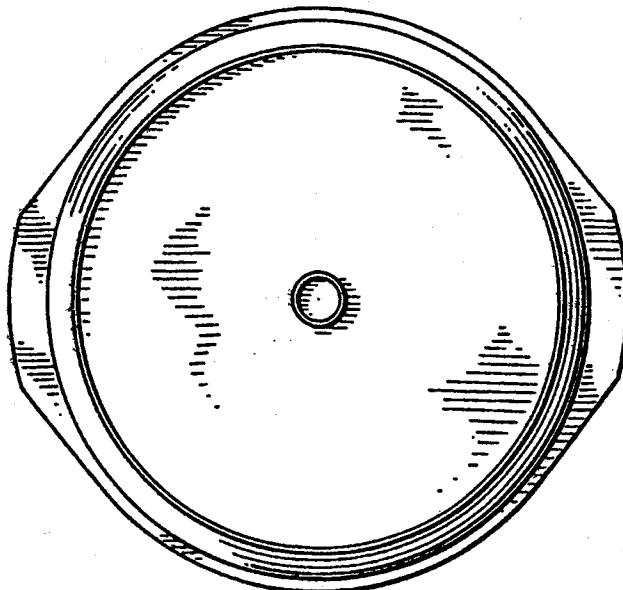


FIG. 5

**United States Patent** [19]

Bowen et al.

{11} Patent Number: Des. 275,925

{45} Date of Patent: \*\* Oct. 16, 1984

## {54} MICROWAVE EGG COOKER BASE

{75} Inventors: Robert F. Bowen, Burlington; Wayne I. Pollack, Arlington, both of Mass.

{73} Assignee: Raytheon Company, Lexington, Mass.

{\*\*} Term: 14 Years

{21} Appl. No.: 386,149

{22} Filed: Jun. 7, 1982

{52} U.S. Cl. .... D7/357; D7/360

{58} Field of Search ..... D7/354, 360, 357, 356,  
D7/402, 403, 388, 362, 363

## {56} References Cited

## U.S. PATENT DOCUMENTS

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D. 273,168	3/1984	Bowen et al.	.....	D7/354
2,807,701	9/1957	Conlin et al.	.....	D7/357 X
3,915,532	10/1975	Ashton	.....	D7/17 X

## OTHER PUBLICATIONS

*Best Products* 1980 Buyer's Book, p. 261, Item #19, Popcorn Popper/Casserole, Microwave Magic "Nordic Ware" base portion shown.

*West Bend*, Suppl. to HFD., Sec. II Jan. 16, 1978, p. 3, Item F, far lower right, Automatic Egg Cooker #5820.

*Primary Examiner*—Winifred E. Herrmann  
*Attorney, Agent, or Firm*—William R. Clark; Joseph D. Pannone

## {57} CLAIM

The ornamental design for a microwave egg cooker base, as shown and described.

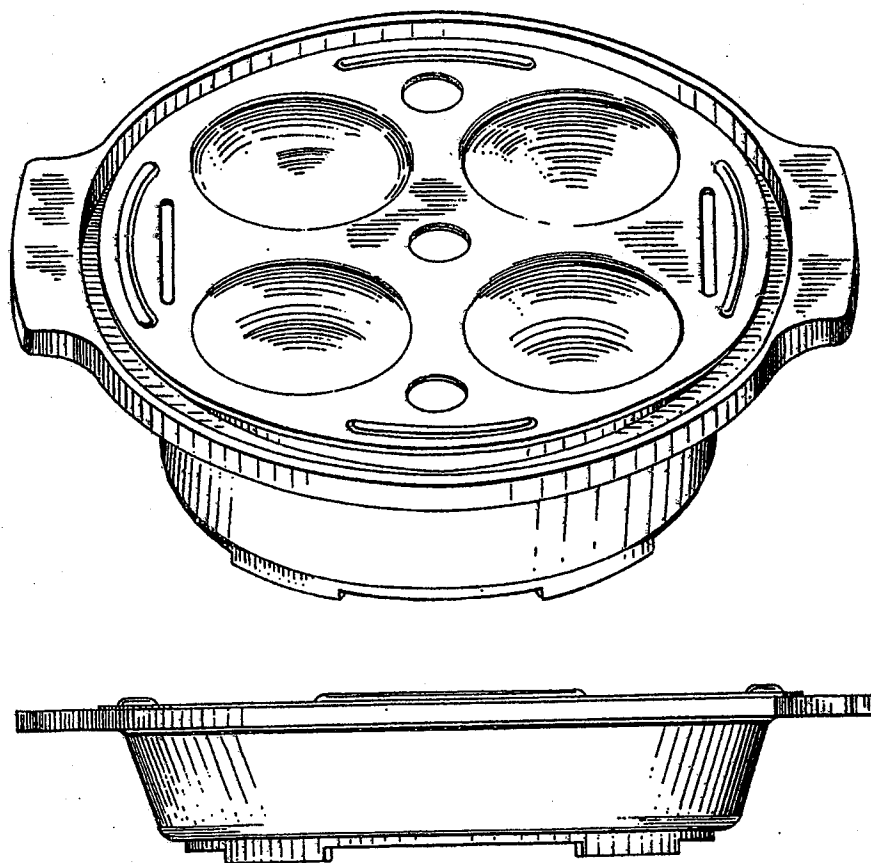
## DESCRIPTION

FIG. 1 is a top, front perspective view of a microwave egg cooker base showing our new design;

FIG. 2 is a top plan view thereof;

FIG. 3 is a front or rear elevational view thereof; and

FIG. 4 is a bottom plan view thereof.



U.S. Patent Oct. 16, 1984 Sheet 1 of 2 Des. 275,925

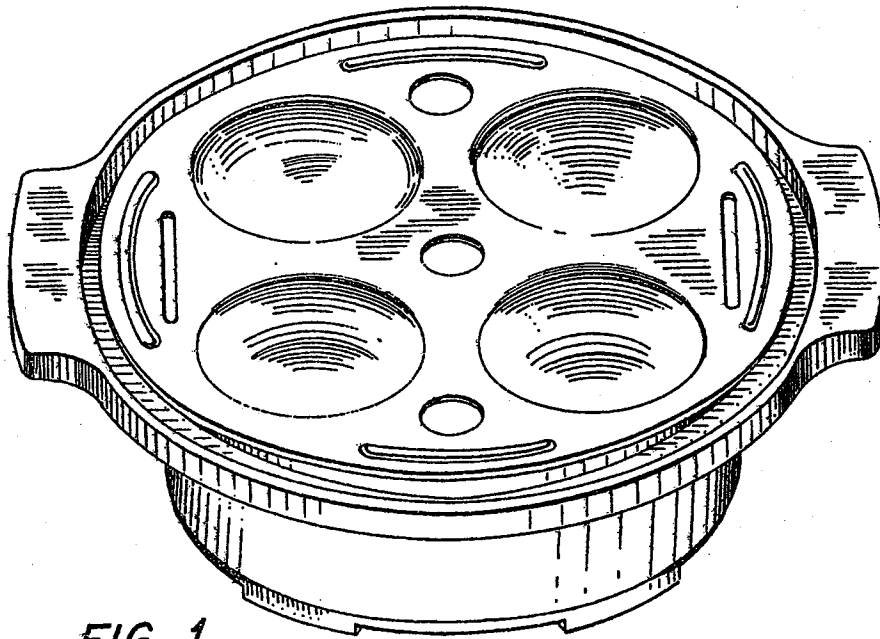


FIG. 1

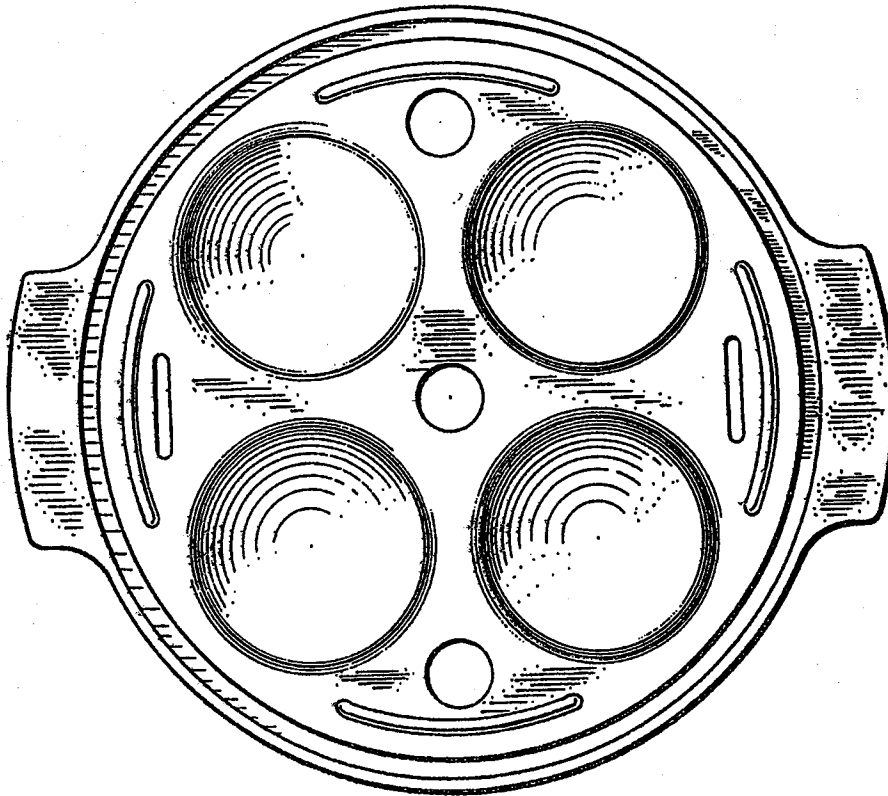


FIG. 2

U.S. Patent Oct. 16, 1984 Sheet 2 of 2 Des. 275,925

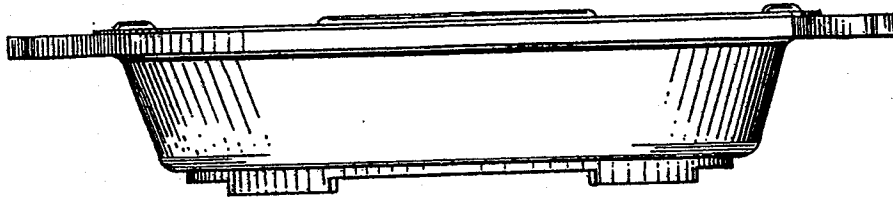


FIG. 3

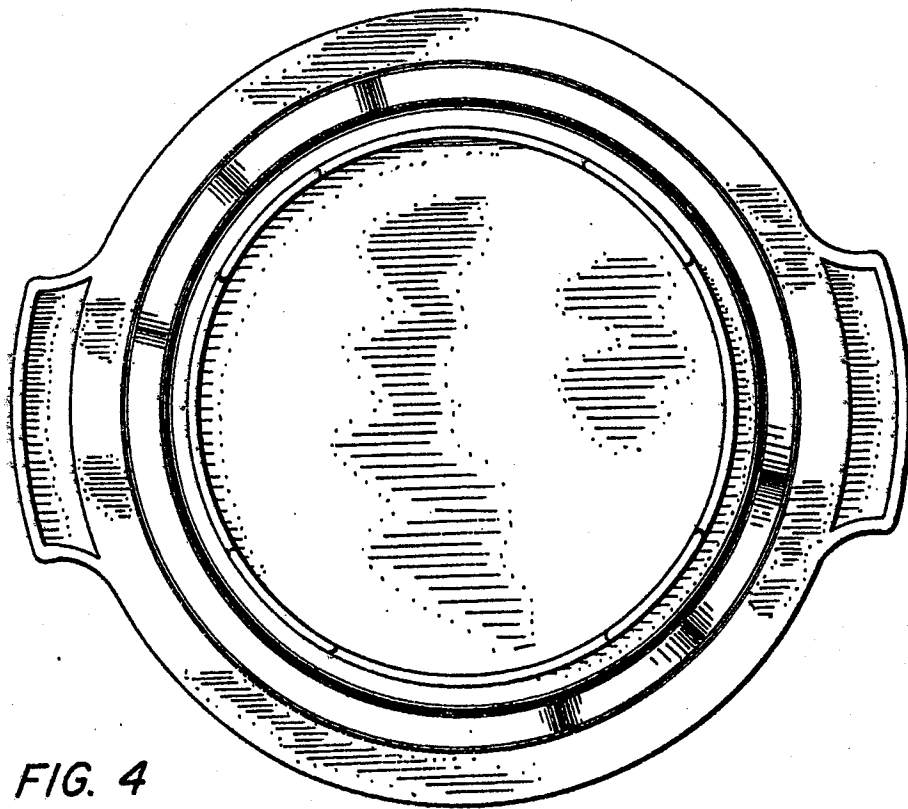


FIG. 4

**United States Patent** {19}

Greb et al.

{11} Patent Number: **Des. 284,257**{45} Date of Patent: **\*\* Jun. 17, 1986**{54} **COOKING KETTLE**{75} Inventors: Francis J. Greb, Buffalo Grove;  
Robert S. Huff, Oak Park, both of Ill.{73} Assignee: National Presto Industries, Inc., Eau  
Claire, Wis.

{\*\*} Term: 14 Years

{21} Appl. No.: 529,581

{22} Filed: Sep. 6, 1983

{52} U.S. Cl. .... D7/355; D7/360

{58} Field of Search .... D7/354, 355, 328, 323,  
D7/360, 391, 387, 393; 219/438-442, 432,  
474-475, 391{56} **References Cited****U.S. PATENT DOCUMENTS**

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D. 182,786	5/1958	Boldt	.....	D7/360
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2,785,277	3/1957	Jepson	.....	D7/360 X
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Catalog Page—Presto "WeeCookerie" Whole Meal Maker.

Catalog Page—Presto "GranCookerie" Family Size Whole Meal Maker.

Catalog Page, Front Cover of Recipe Booklet and Photograph of the Dazey Chef's Pot.

German Brochure (Euromat-S Schnellkocher).

West Bend Advertisement from *House & Garden*, May 1973, p. 155.

Primary Examiner—Bernard Ansher

Assistant Examiner—Linda Titolo

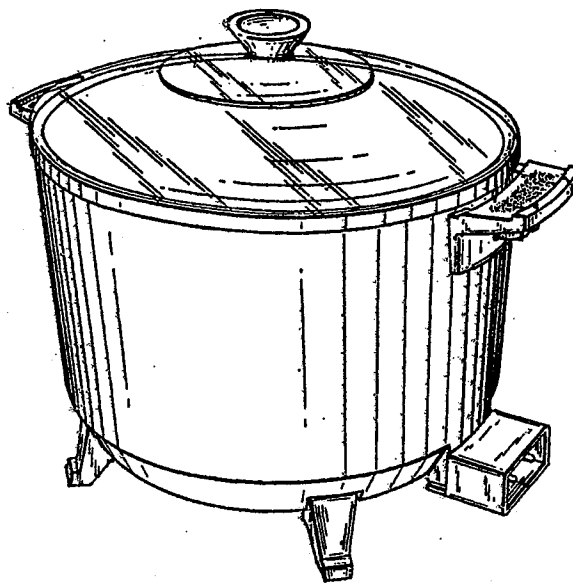
Attorney, Agent, or Firm—Merchant, Gould, Smith, Edell, Welter &amp; Schmidt

{57} **CLAIM**

The ornamental design for a cooking kettle, substantially as shown and described.

**DESCRIPTION**

FIG. 1 is a top, front and right side perspective view of a cooking kettle, showing our new design;  
 FIG. 2 is a front elevational view thereof, the rear elevational view being a mirror image thereof;  
 FIG. 3 is a right side elevational view thereof;  
 FIG. 4 is a left side elevational view thereof;  
 FIG. 5 is a top plan view thereof; and  
 FIG. 6 is a bottom plan view thereof.



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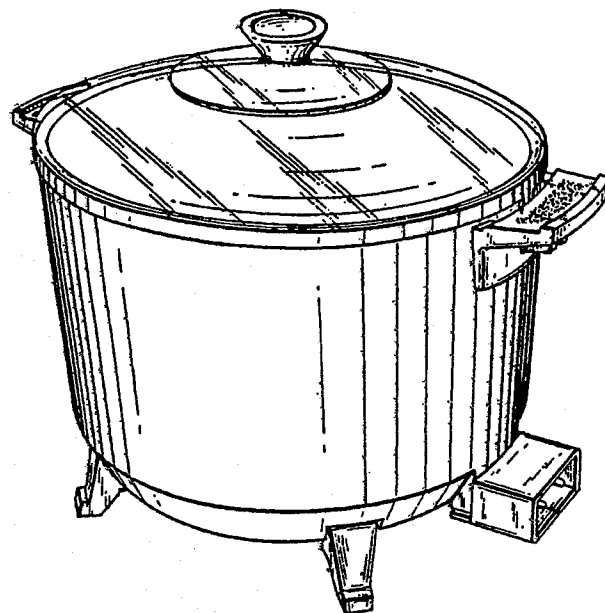


FIG. 1

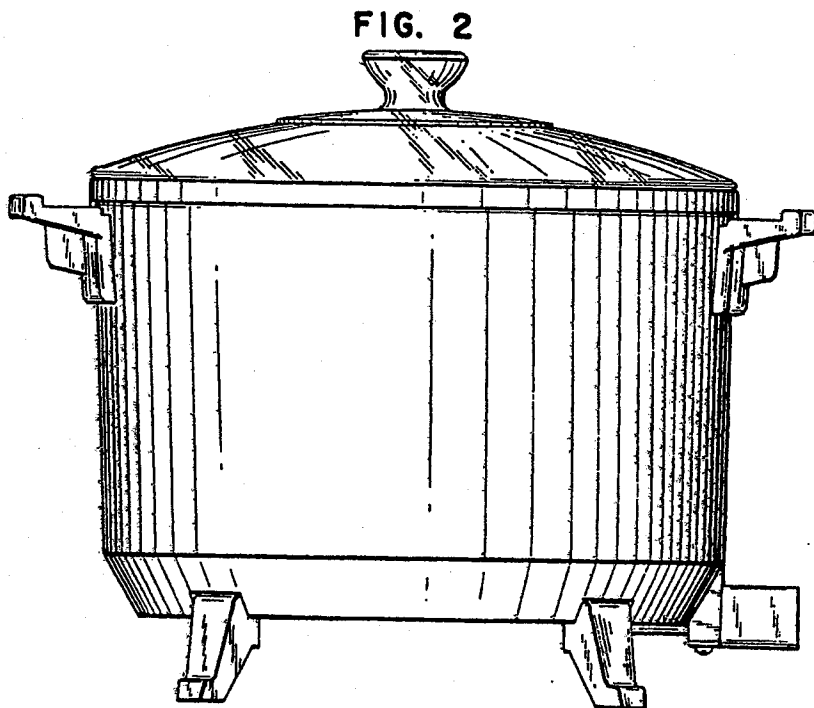


FIG. 2



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FIG. 3

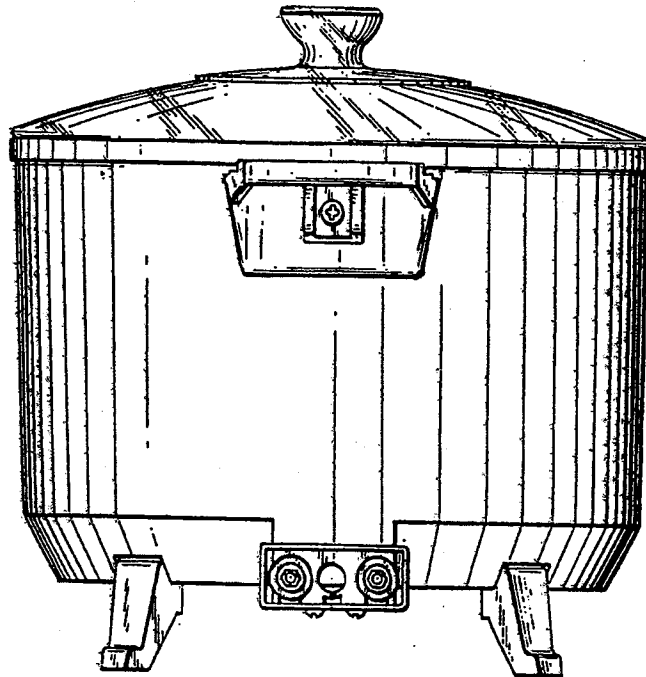
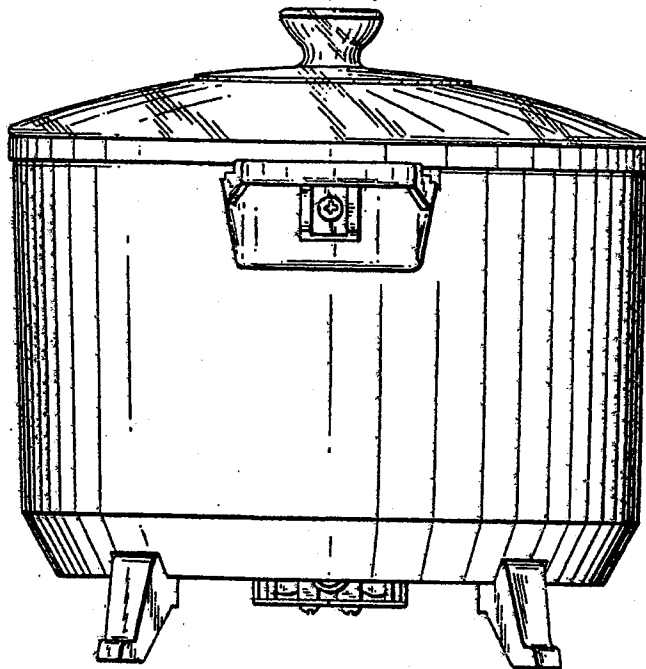


FIG. 4



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FIG. 5

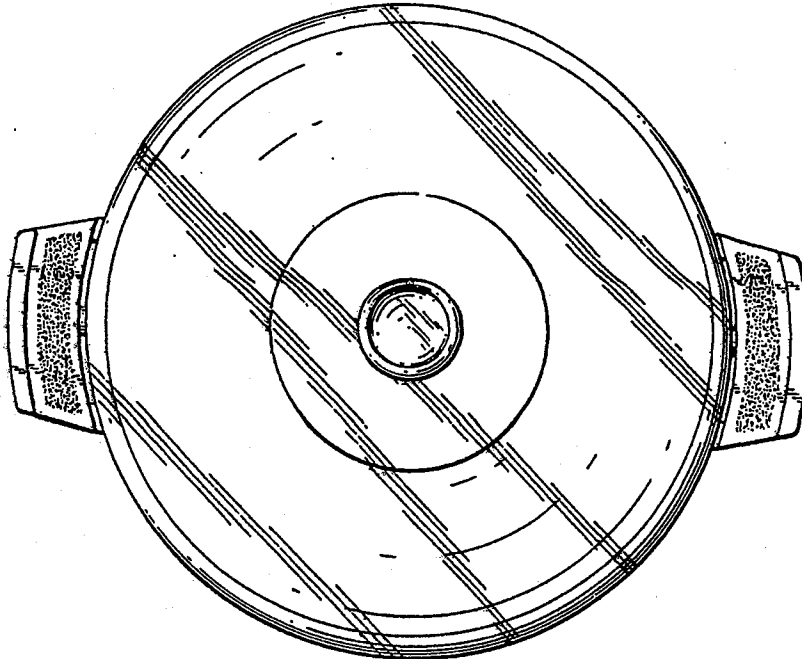
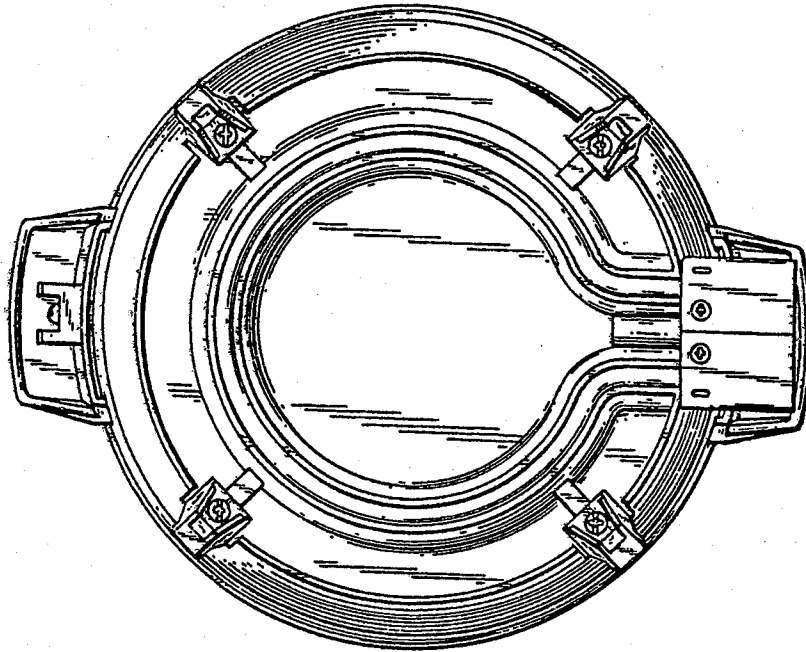


FIG. 6





US00D366592S

**United States Patent** [19]

Cesaroni et al.

{11} Patent Number: Des. 366,592

{45} Date of Patent: \*\*\* Jan. 30, 1996

{54} **ELECTRIC COOKER**{75} Inventors: William C. Cesaroni, Glenview, Ill.;  
Edward J. Duquaine, Jr., West Bend,  
Wis.{73} Assignee: The West Bend Company, West Bend,  
Wis.{\*} Notice: The portion of the term of this patent  
subsequent to Dec. 8, 2005, has been  
disclaimed.

{\*\*} Term: 14 Years

{21} Appl. No.: 38,795

{22} Filed: Apr. 15, 1987

{52} U.S. Cl. .... D7/360; D7/355

{58} Field of Search ..... D7/354, 355, 356,  
D7/358, 360, 362, 363, 367, 391, 40; 219/429,  
432, 438, 440; 99/403, 410, 411, 413, 331{56} **References Cited****U.S. PATENT DOCUMENTS**

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D. 248,079	6/1978	Painter et al.	.....	D7/360
D. 250,626	12/1978	Scott	.....	D7/360
D. 276,689	12/1984	Spoeth, Jr.	.....	D7/360 X

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*W. Bell & Co.*; 1984; p. 361; bottom row, first item; letter  
"G" West Bend Slo Cooker Plus.

*W. Bell & Co.*; 1984; p. 361; bottom row, second item, letter

"H" West Bend Multi-Purpose Cooker

*Best Products Catalog*; 1983/1984; p. 247; bottom row, far  
right, item No. 20, West Bend 4 Qt. Slow Cooker Model  
84114.

Primary Examiner—Winifred E. Herrmann

Assistant Examiner—Caron D. Veynar

Attorney, Agent, or Firm—Jansson &amp; Shupe, Ltd.

{57} **CLAIM**

The ornamental design for an electric cooker, as shown and  
described.

**DESCRIPTION**

FIG. 1 is a top, front and left side perspective view of an  
electric cooker showing our new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a right side elevational view thereof, the opposite  
side being a mirror image thereof;

FIG. 4 is a rear elevational view thereof;

FIG. 5 is a top plan view thereof;

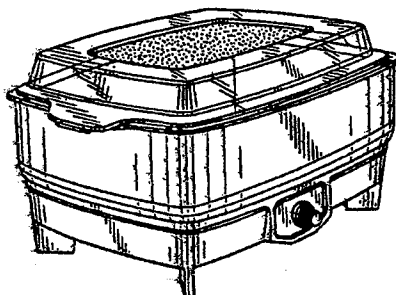
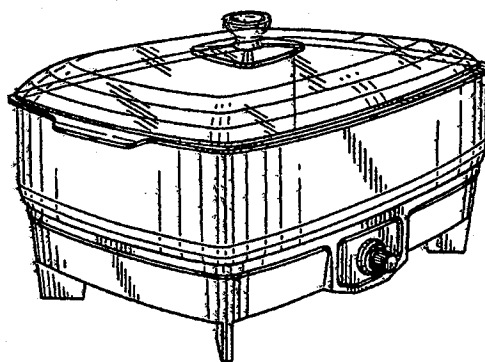
FIG. 6 is a bottom plan view thereof;

FIG. 7 is a top, front and left side perspective view of an  
alternative embodiment of the electric cooker shown in FIG.  
1 on a smaller scale, having the same base and a different  
cover;

FIG. 8 is a front elevational view of the alternative embodi-  
ment of the design as shown in FIG. 7; and,

FIG. 9 is a right side elevational view of the alternative  
embodiment of the design as shown in FIG. 7, the opposite  
side being a mirror image thereof.

1 Claim, 4 Drawing Sheets



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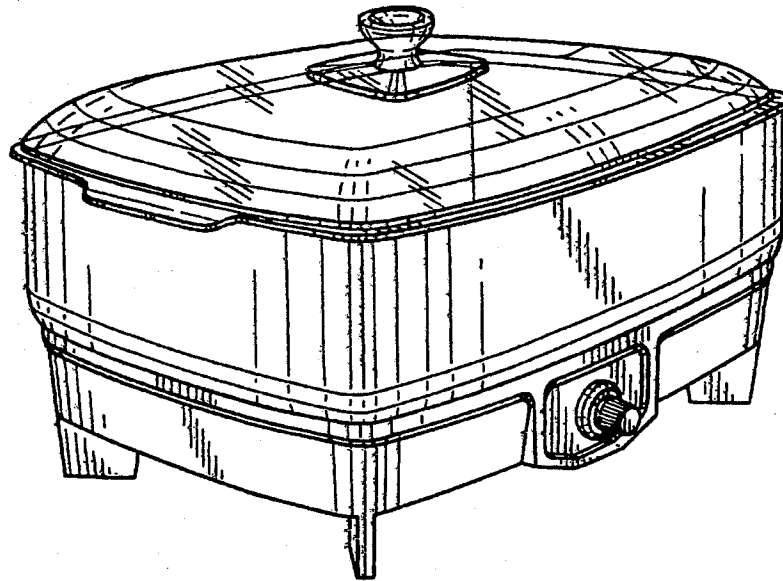


FIG. 1

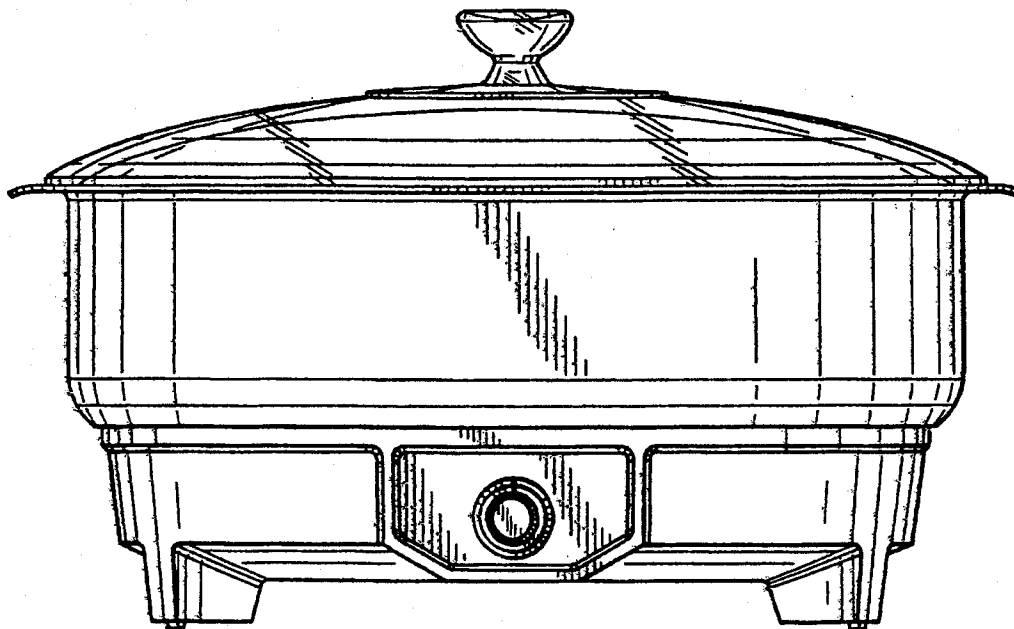


FIG. 2

## **EXHIBIT G – Part 6**

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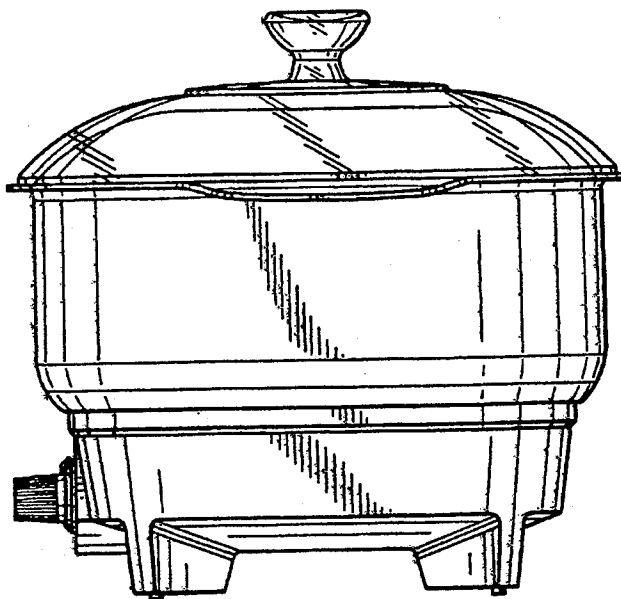


FIG. 3

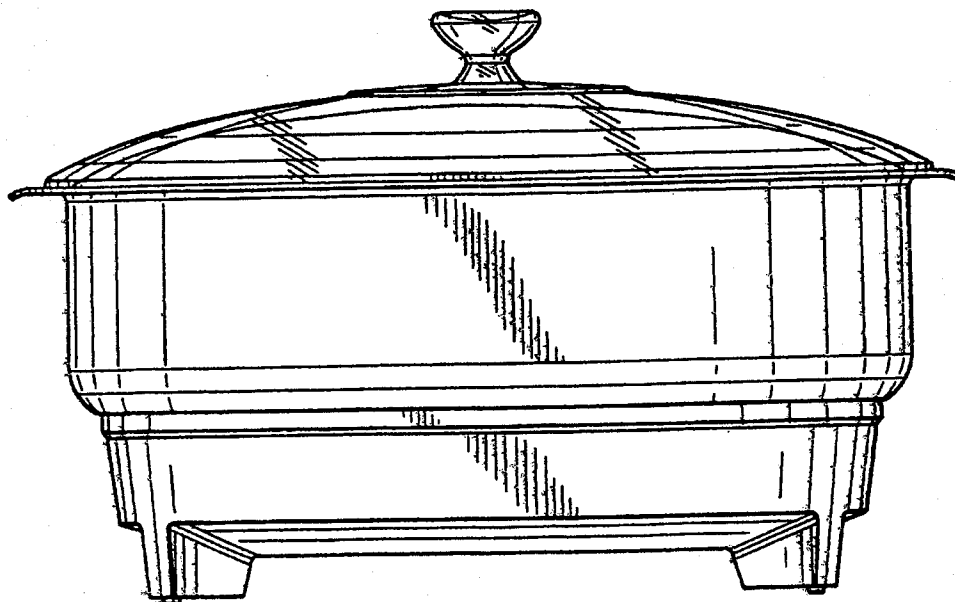


FIG. 4

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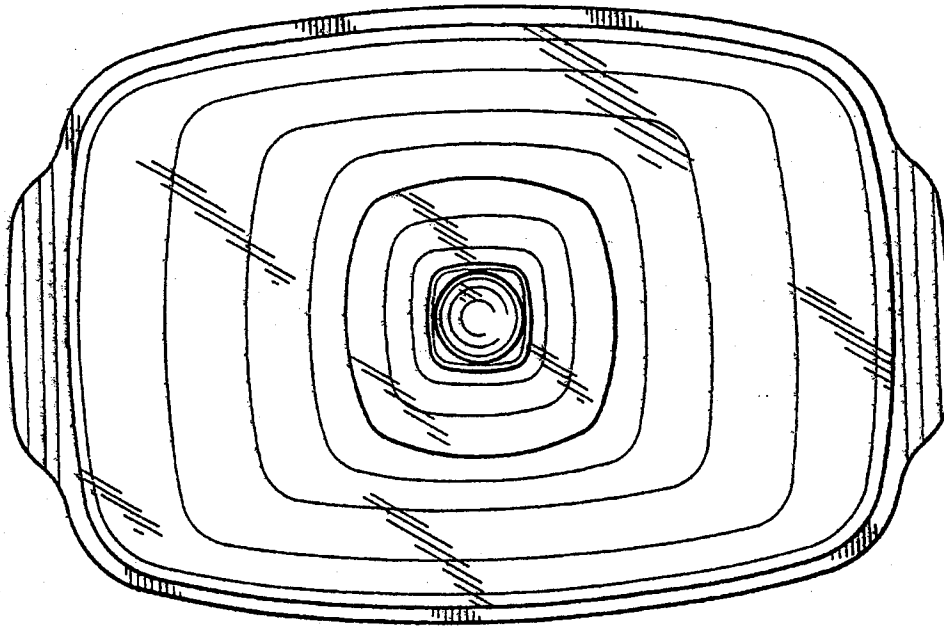


FIG. 5

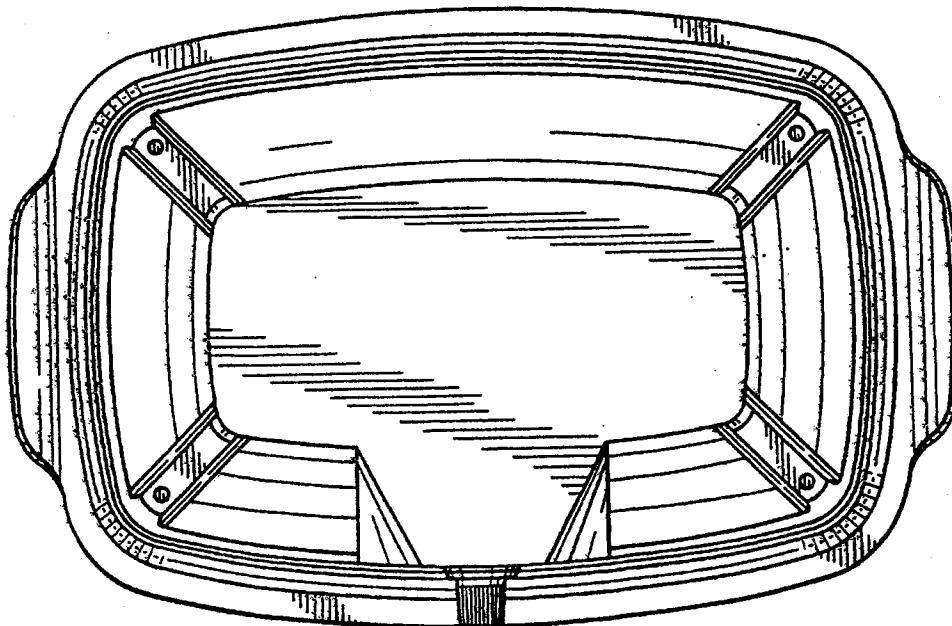


FIG. 6

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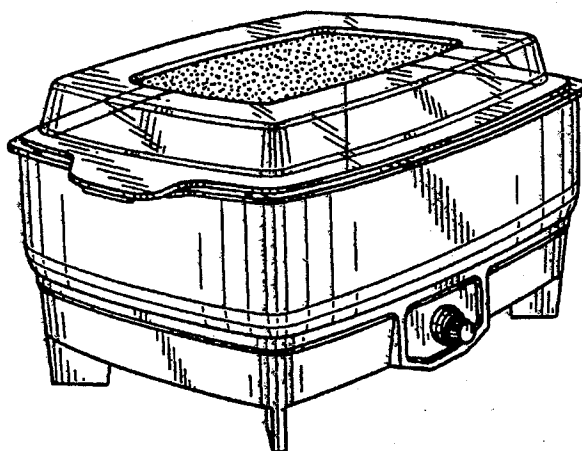


FIG. 7

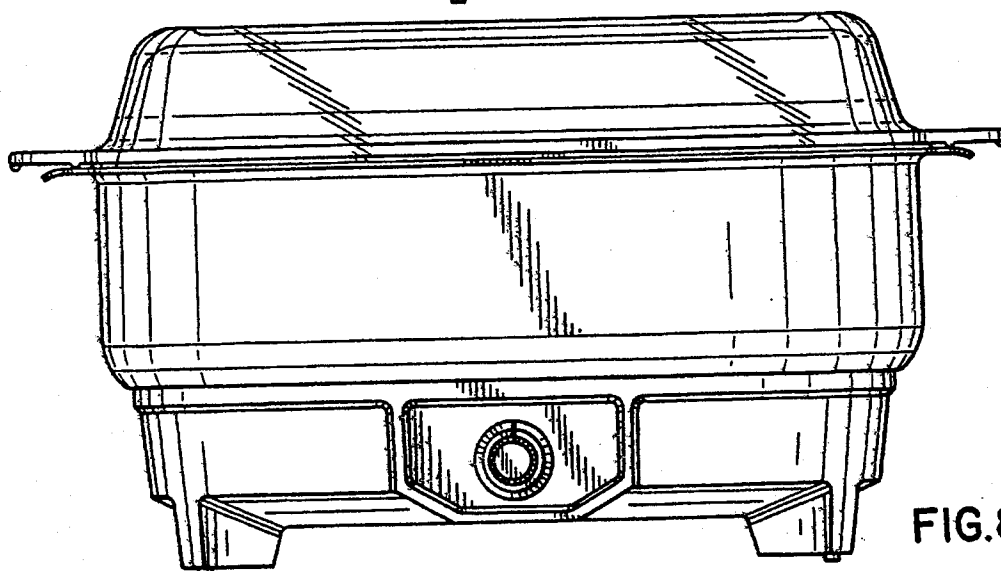


FIG. 8

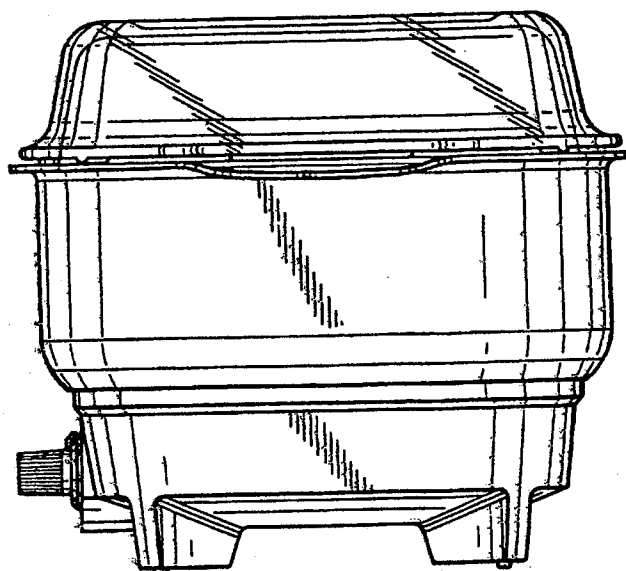


FIG. 9





US00D416434S

**United States Patent** [19]

Pollnow

[11] Patent Number: Des. 416,434

[45] Date of Patent: \*\* Nov. 16, 1999

## [54] COOKER

[75] Inventor: Scott Thomas Pollnow, West Bend, Wis.

[73] Assignee: Premark WB Holdings, Inc.,  
Wilmington, Del.

[\*\*] Term: 14 Years

[21] Appl. No.: 29/093,383

[22] Filed: Sep. 9, 1998

[51] LOC (6) Cl. .... 07-02

[52] U.S. Cl. .... D7/360

[58] Field of Search ..... D7/323, 354-361;  
220/573.1, 573.4; 99/324, 325, 403

## [56] References Cited

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D. 280,064	8/1985	Obata et al.	.....	D7/360
D. 284,257	6/1986	Greh et al.	.....	D7/355
D. 300,598	4/1989	Ueda et al.	.....	D7/360
D. 335,063	4/1993	Napolitano	.....	D7/360

D. 376,724 12/1996 Mendelson et al. .... D7/360

Primary Examiner—Caron D. Veynar  
 Attorney, Agent, or Firm—Michael Best & Friedrich LLP

## [57] CLAIM

The ornamental design for a cooker, as shown and described.

## DESCRIPTION

FIG. 1 is a perspective view of a cooker showing my new design;

FIG. 2 is an elevation view of the front of the cooker shown in FIG. 1;

FIG. 3 is an elevation view of the rear of the cooker shown in FIGS. 1 and 2;

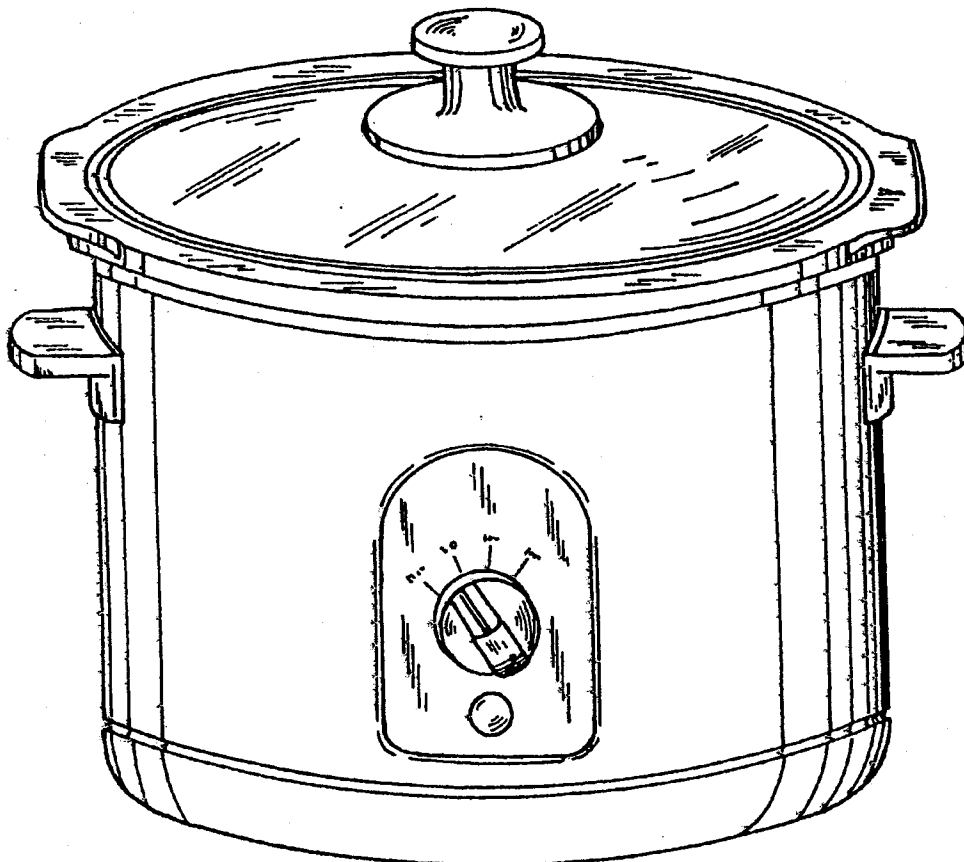
FIG. 4 is an elevation view of the right side of the cooker shown in FIGS. 1-3;

FIG. 5 is an elevation view of the left side of the cooker shown in FIGS. 1-4;

FIG. 6 is a top plan view of the cooker shown FIGS. 1-5 ;

and,  
FIG. 7 is a bottom plan view of the cooker shown in FIGS. 1-6.

1 Claim, 4 Drawing Sheets

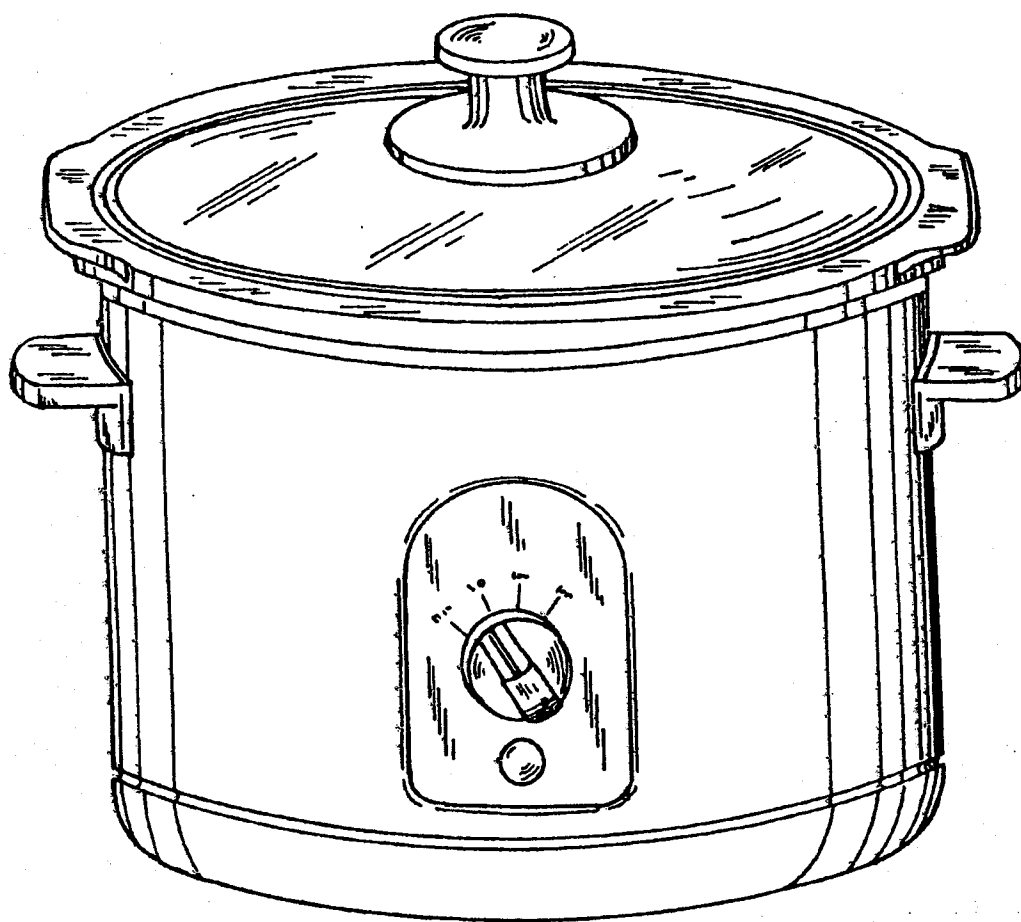


**U.S. Patent**

**Nov. 16, 1999**

**Sheet 1 of 4**

**Des. 416,434**



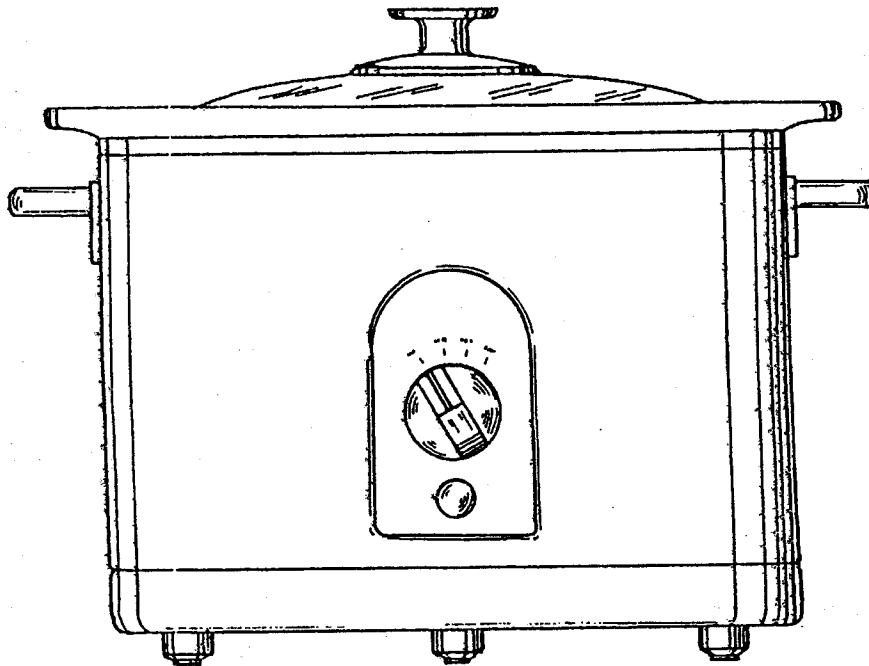
*Fig. 1*

U.S. Patent

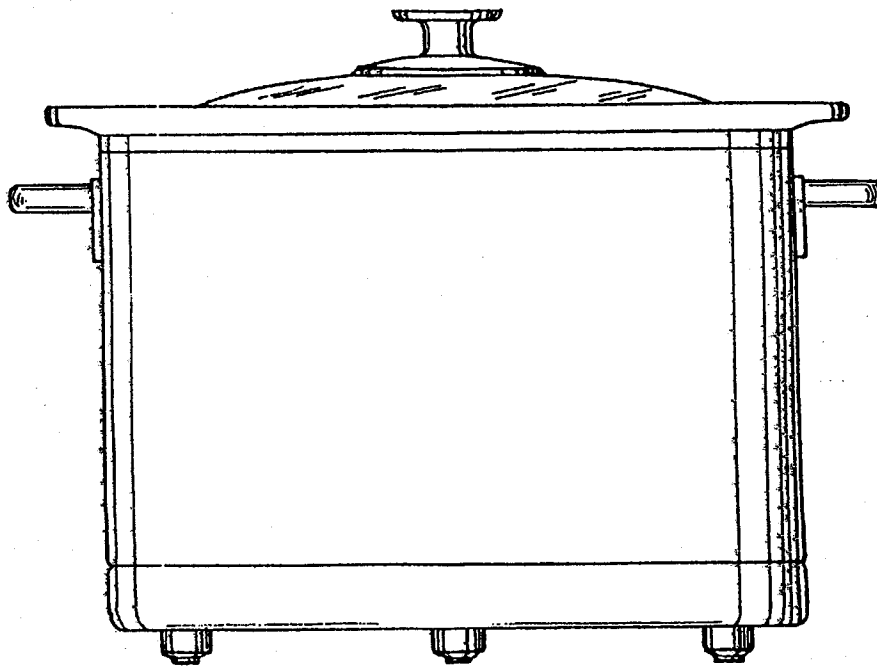
Nov. 16, 1999

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*Fig. 2*



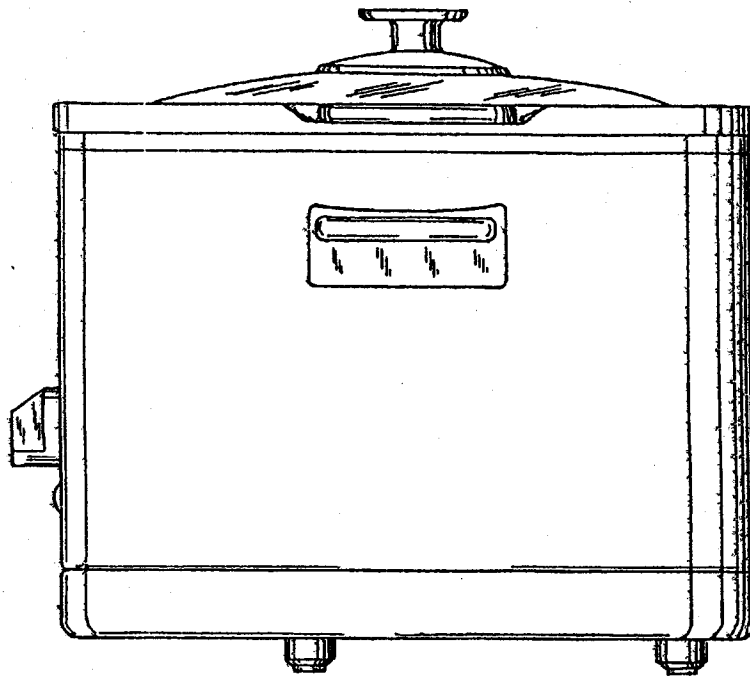
*Fig. 3*

U.S. Patent

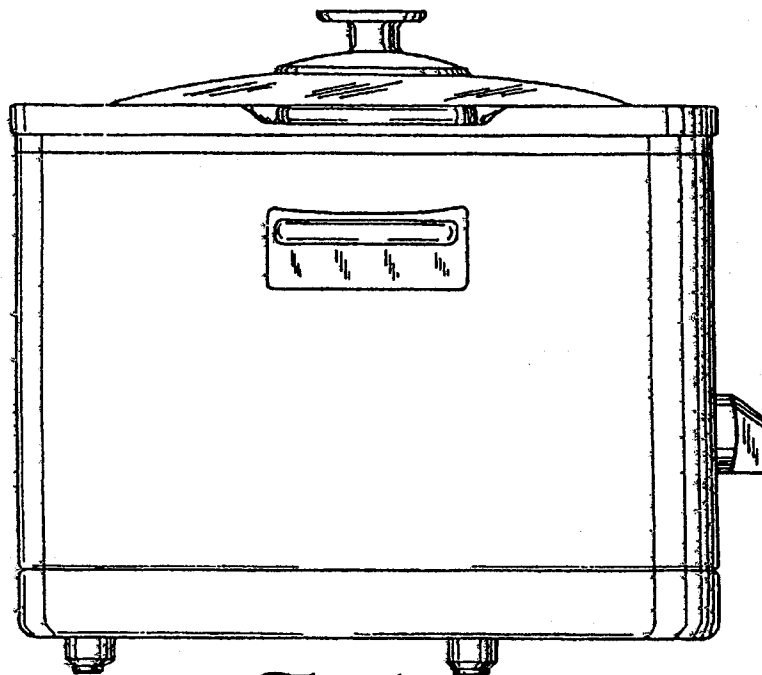
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*Fig. 4*



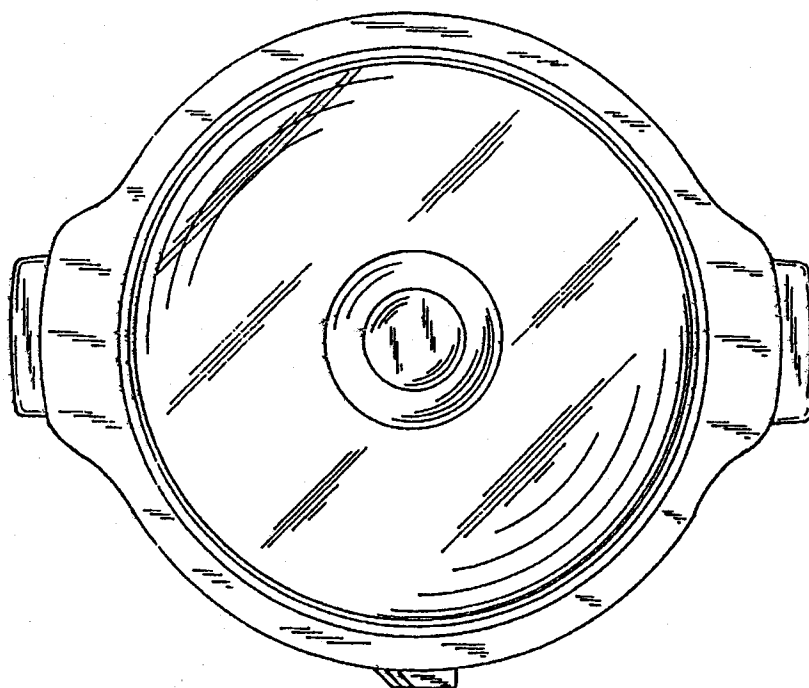
*Fig. 5*

U.S. Patent

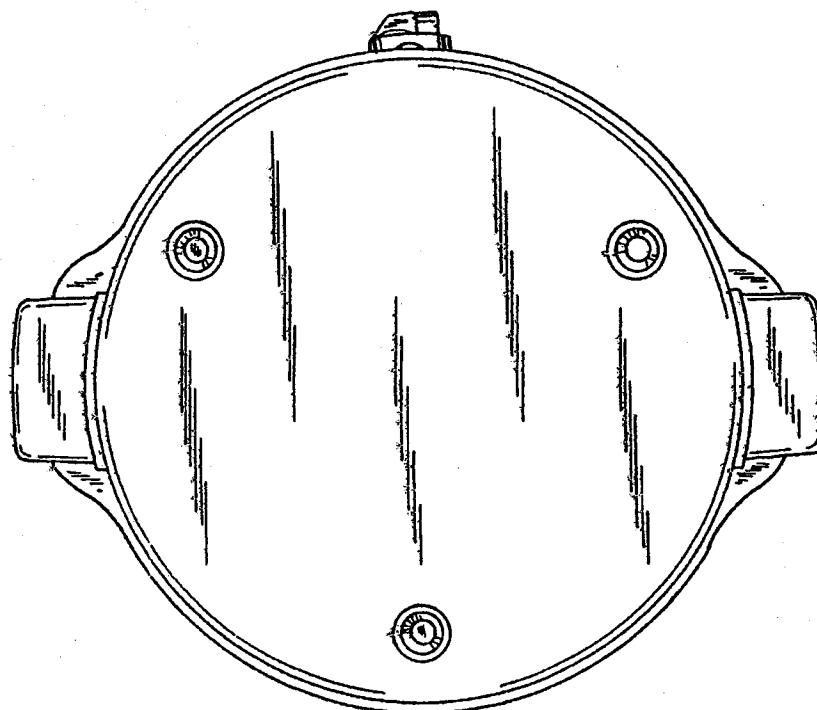
Nov. 16, 1999

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*Fig. 6*



*Fig. 7*



US00D420246S

**United States Patent** {19}

Alonge et al.

{11} Patent Number: Des. 420,246

{45} Date of Patent: \*\* Feb. 8, 2000

## {54} SLOW COOKER

{76} Inventors: Barbara Alonge, 1512 Maeder Ave.,  
North Merrick, N.Y. 11566; David  
Sabin, 210 N. Mayflower, Lake Forest,  
Ill. 60045

{\*\*} Term: 14 Years

{21} Appl. No.: 29/093,339

{22} Filed: Sep. 9, 1998

{51} LOC (7) Cl. .... 07-02

{52} U.S. Cl. .... D7/360

{58} Field of Search ..... D7/323, 354-361;  
220/573.1, 573.4; 99/324, 325, 403

## {56} References Cited

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D. 170,575 10/1953 Jepson ..... D7/360  
D. 280,064 8/1985 Obata et al. .... D7/360

D. 284,257 6/1986 Greh et al. .... D7/355  
D. 300,598 4/1989 Ueda et al. .... D7/360  
D. 335,063 4/1993 Napolitano ..... D7/360  
D. 376,724 12/1996 Mendelson et al. .... D7/360

Primary Examiner—Caron D. Veynar  
Attorney, Agent, or Firm—Jerry A. Schulman

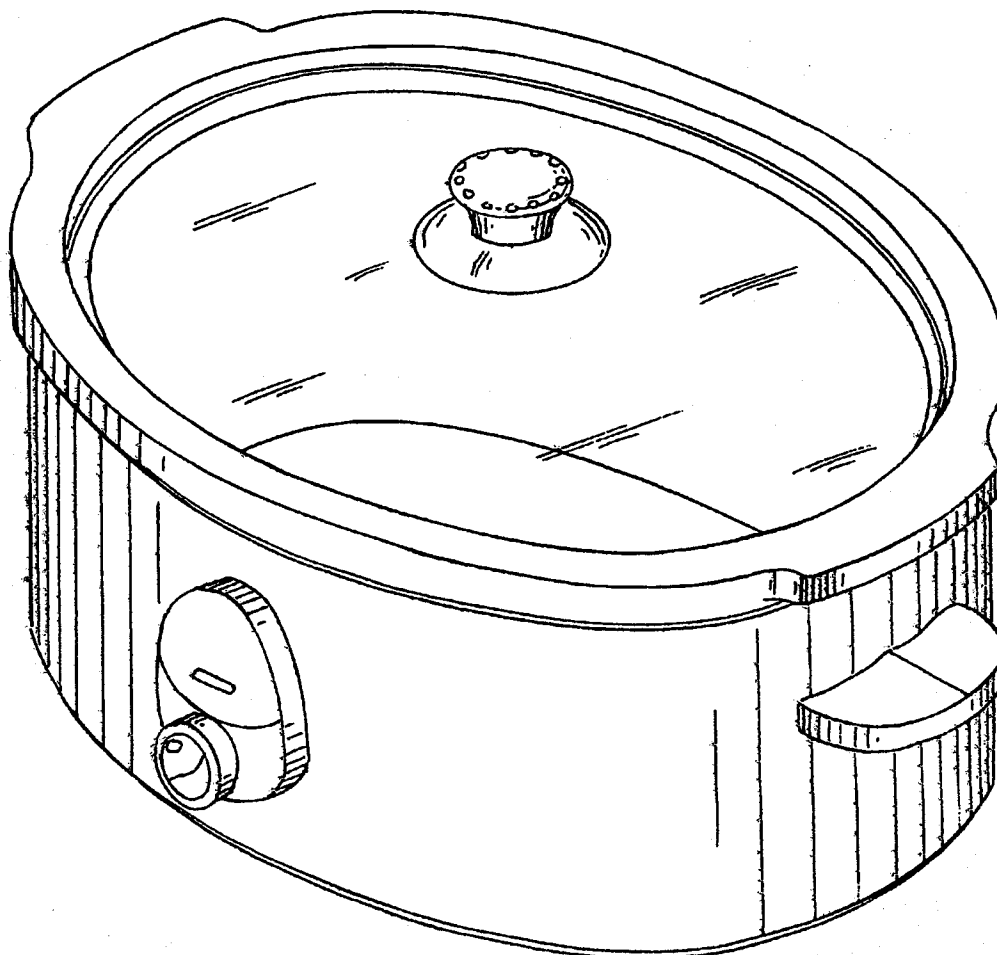
## {57} CLAIM

The ornamental design for a slow cooker, as shown and described.

## DESCRIPTION

FIG. 1 is a front elevational view of the present invention;  
FIG. 2 is a right lateral elevational view thereof;  
FIG. 3 is a left lateral elevational view thereof;  
FIG. 4 is a top plan view thereof;  
FIG. 5 is a bottom plan view thereof;  
FIG. 6 is a rear elevational view thereof; and,  
FIG. 7 is a perspective view thereof.

1 Claim, 4 Drawing Sheets



U.S. Patent

Feb. 8, 2000

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Des. 420,246

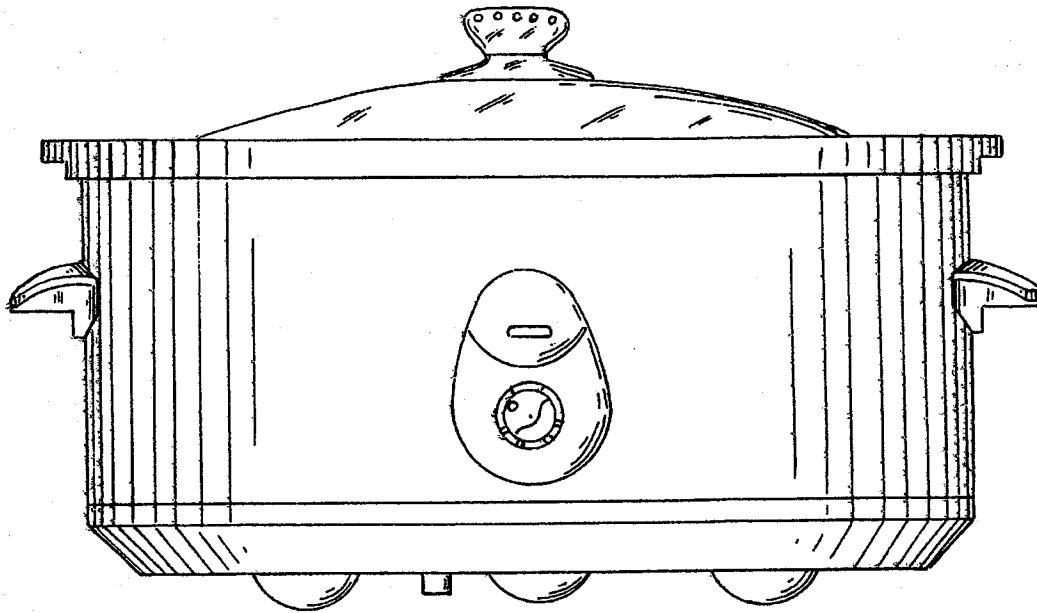


FIG. 1

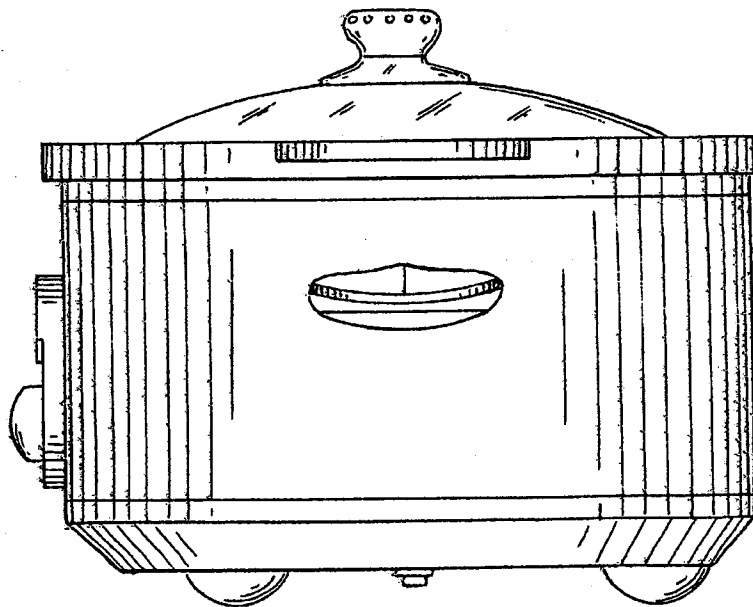


FIG. 2

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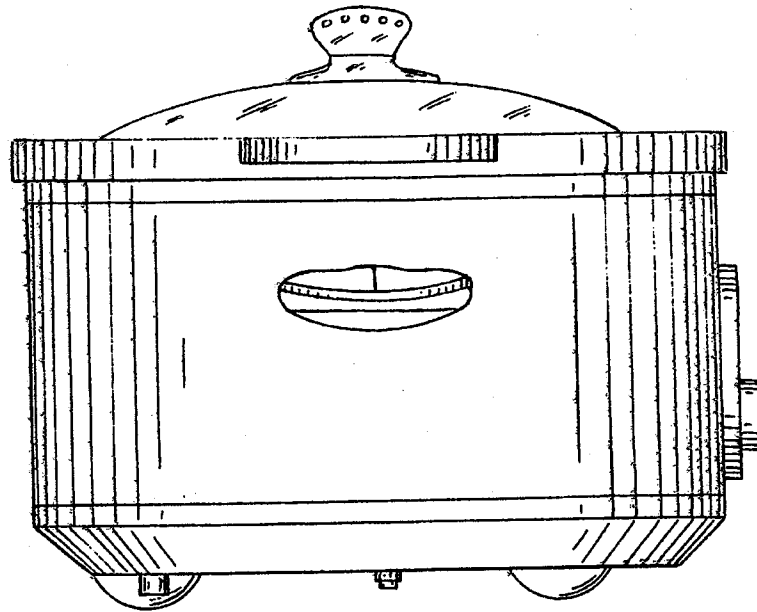


FIG. 3

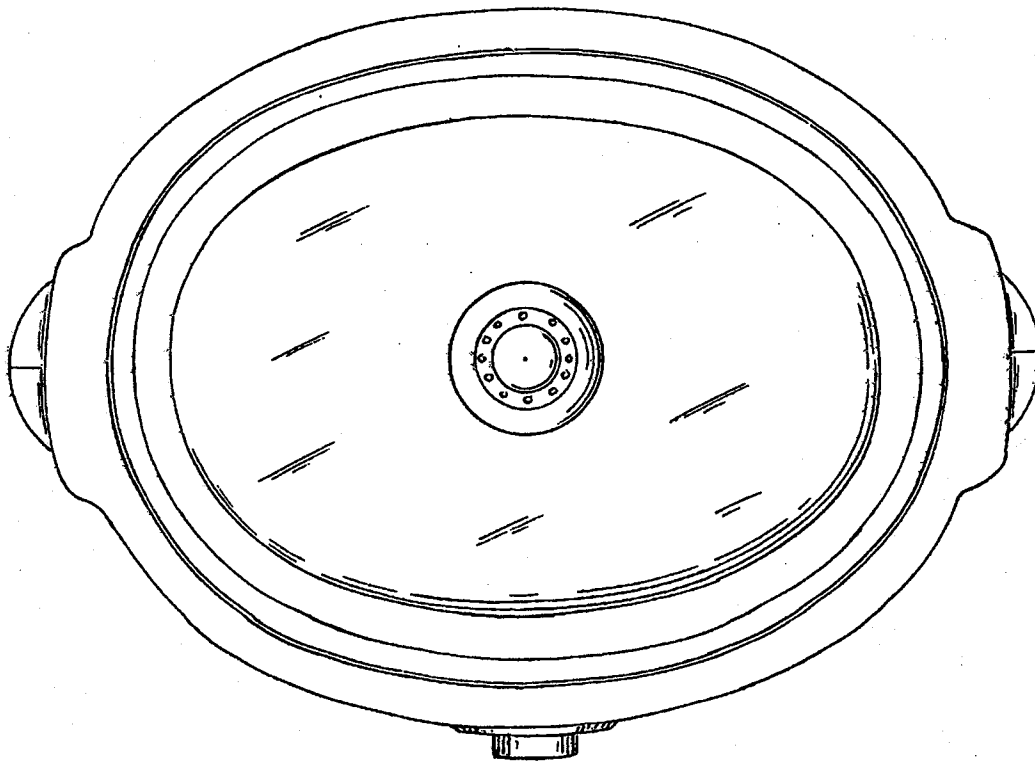


FIG. 4

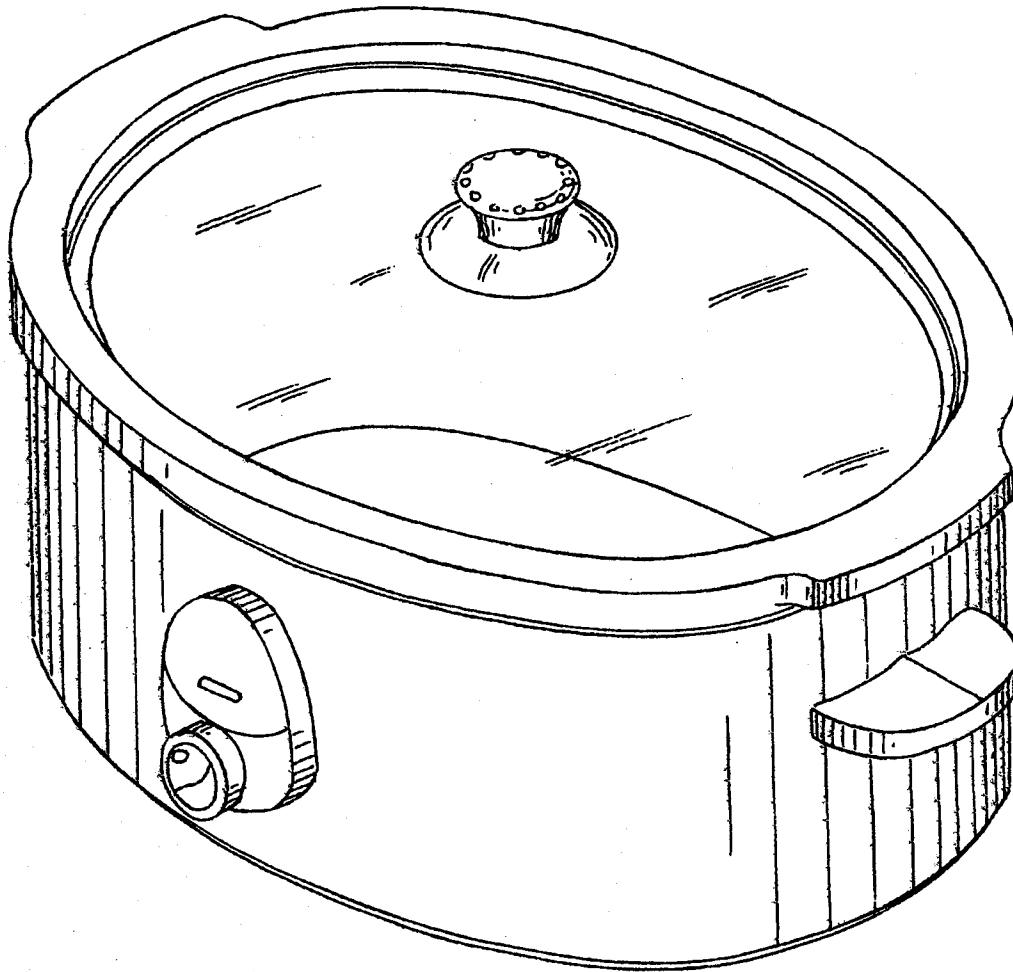


**U.S. Patent**

**Feb. 8, 2000**

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**Des. 420,246**



**FIG. 7**



US00D420247S

# United States Patent [19]

## Kaney et al.

[11] Patent Number: Des. 420,247  
 [45] Date of Patent: \*\* Feb. 8, 2000

## [54] COOKER

[75] Inventors: Howard W. Kaney, West Bend; Scott H. Micoley, Cedarburg, both of Wis.

[73] Assignee: Premark WB Holdings, Inc., Wilmington, Del.

[\*\*] Term: 14 Years

[21] Appl. No.: 29/097,451

[22] Filed: Dec. 7, 1998

[51] LOC (7) Cl. .... 07-02

[52] U.S. Cl. .... D7/360

[58] Field of Search ..... D7/354-361; 99/324, 99/325, 340, 347, 403, 410-413, 419

## [56] References Cited

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D. 170,575 10/1953 Jepson .  
 D. 267,388 12/1982 Spoeth, Jr. et al. .... D7/360  
 D. 280,064 8/1985 Ohata et al. .  
 D. 284,257 6/1986 Greb et al. .... D7/355  
 D. 300,598 4/1989 Ueda et al. .  
 D. 335,063 4/1993 Napolitano .  
 D. 366,592 1/1996 Cesaroni et al. .... D7/360

D. 376,724 12/1996 Mendelson et al. .  
 D. 404,244 1/1999 Jozancy ..... D7/354  
 5,782,165 7/1998 Glenboski et al. .... 99/340

Primary Examiner—Caron D. Veynar  
 Attorney, Agent, or Firm—Michael Best & Friedrich LLP

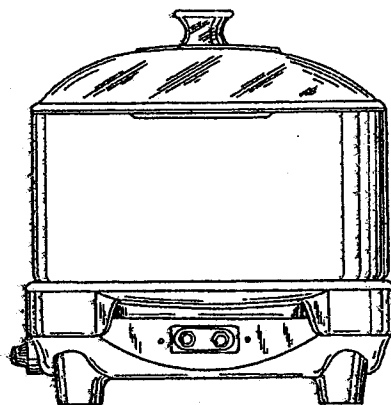
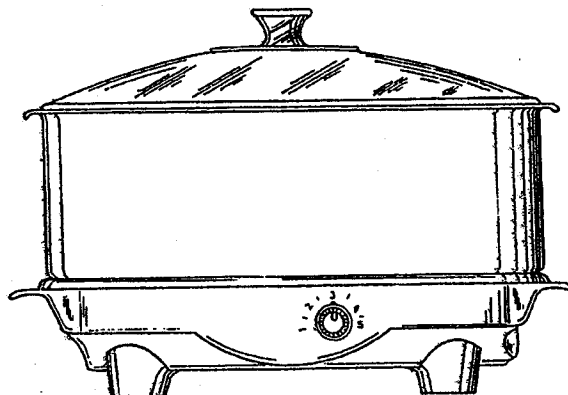
## [57] CLAIM

The ornamental design for a cooker, as shown and described.

## DESCRIPTION

FIG. 1 is an elevation view of the front a cooker constructed in accordance with one preferred embodiment of the invention;  
 FIG. 2 is an elevation view of the rear of the cooker shown in FIG. 1;  
 FIG. 3 is an elevation view of the left of the cooker shown in FIGS. 1 and 2;  
 FIG. 4 is an elevation view of the right of the cooker shown in FIGS. 1-3;  
 FIG. 5 is a top plan view of the cooker shown in FIGS. 1-4;  
 FIG. 6 is a bottom plan view of the cooker shown in FIGS. 1-5; and,  
 FIG. 7 is an exploded view of the front of the cooker shown in FIGS. 1-6.

1 Claim, 4 Drawing Sheets

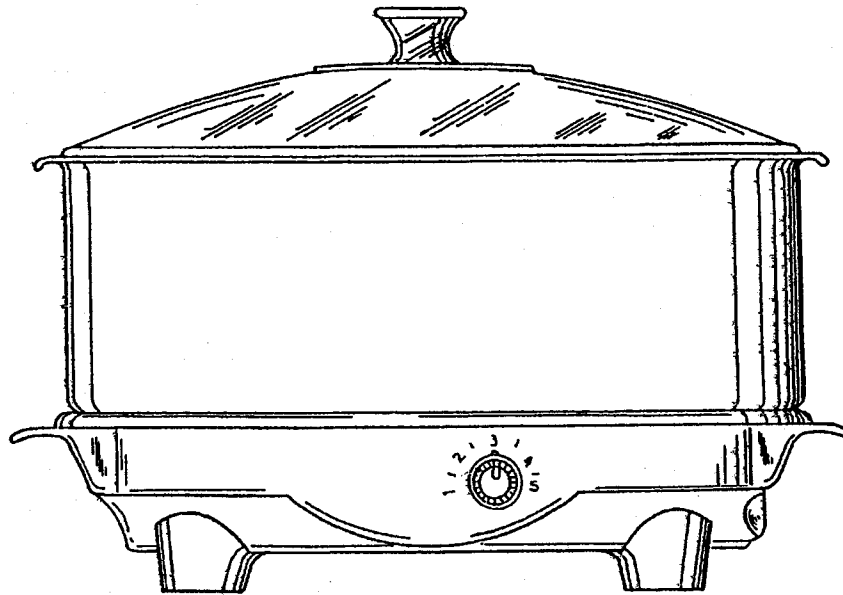


U.S. Patent

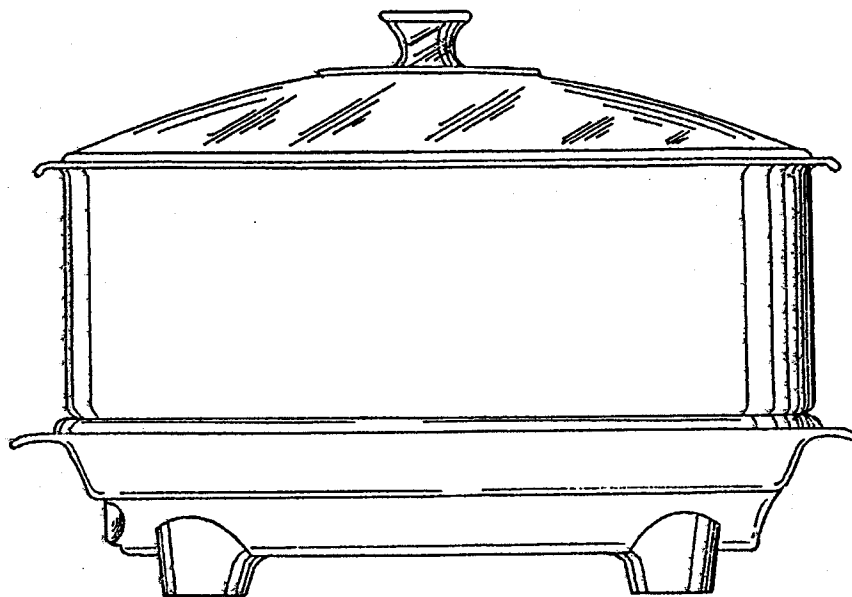
Feb. 8, 2000

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*Fig. 1*



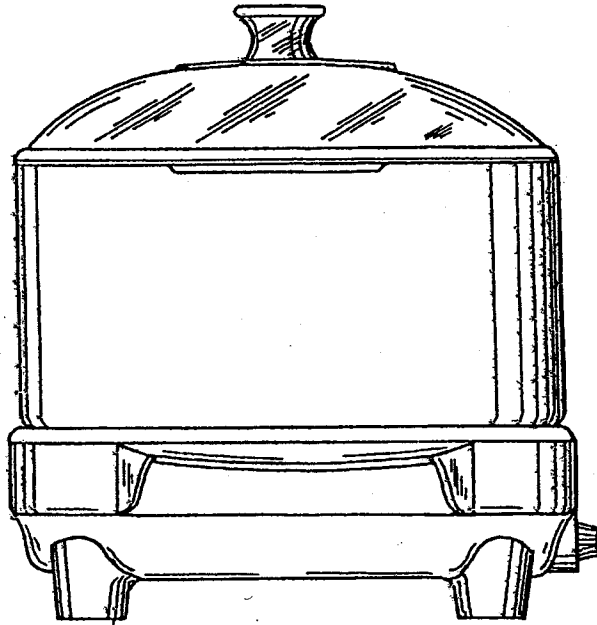
*Fig. 2*

U.S. Patent

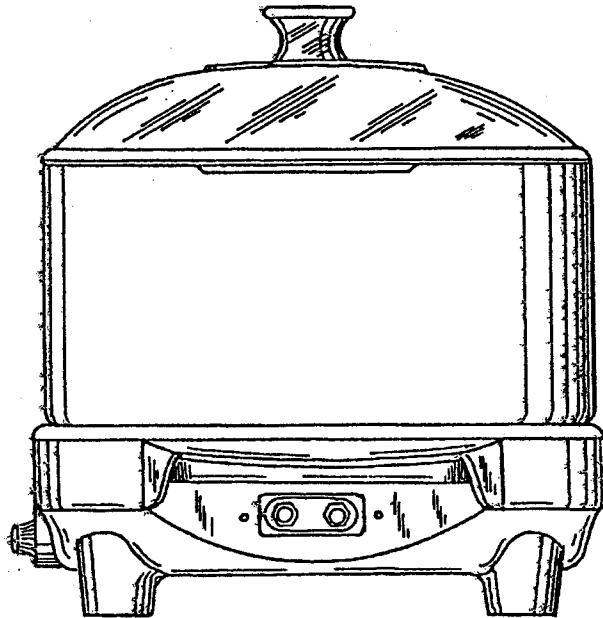
Feb. 8, 2000

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*Fig. 3*



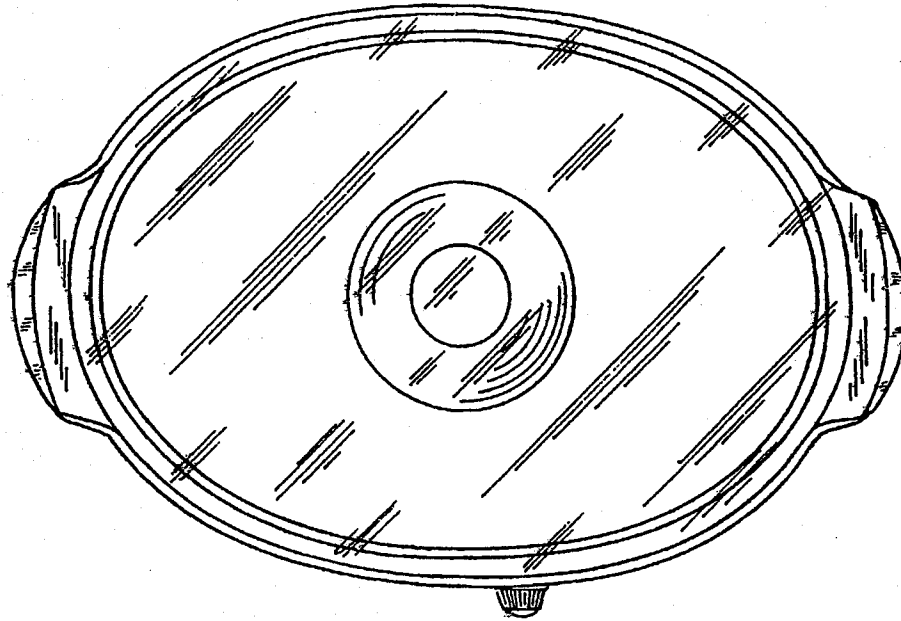
*Fig. 4*

U.S. Patent

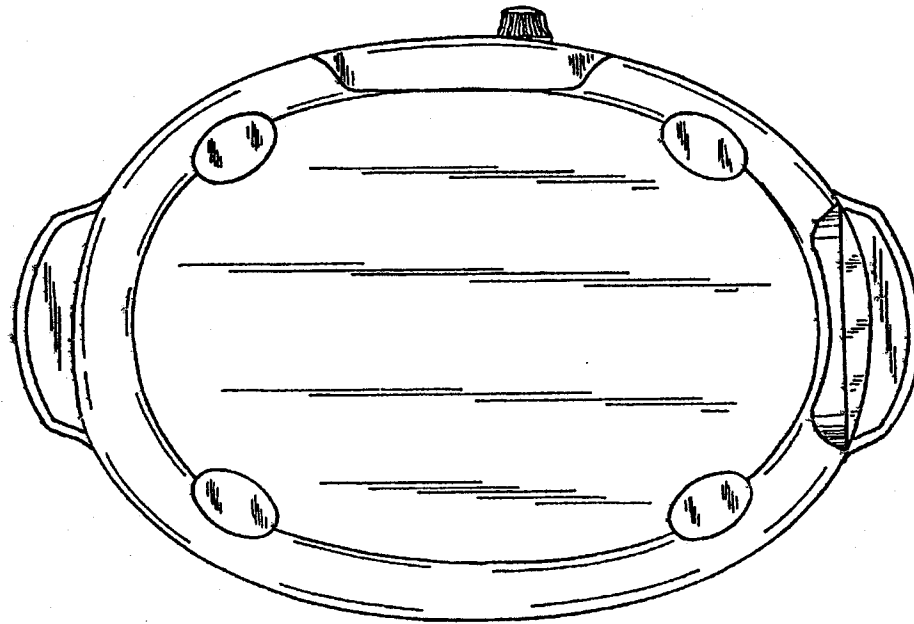
Feb. 8, 2000

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*Fig. 5*



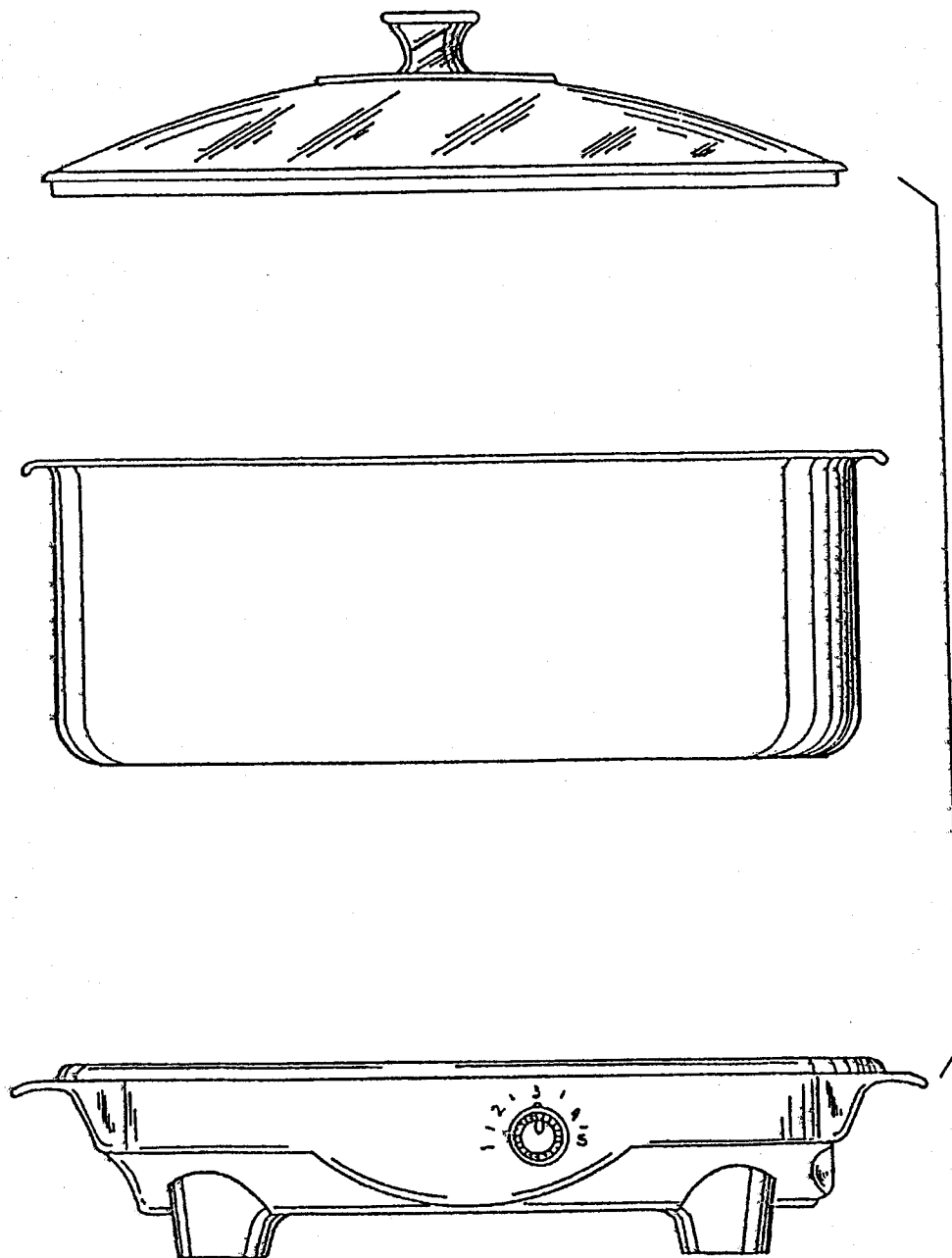
*Fig. 6*

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*Fig. 7*



US00D429596S

**United States Patent** [19]

Hlava et al.

[11] **Patent Number:** Des. 429,596[45] **Date of Patent:** \*\* Aug. 22, 2000[54] **SLOW COOKER**[75] **Inventors:** Lorens G. Hlava, Clinton, Mo.; Gary A. Klein, Overland Park, Kans.; Lori D. Baker, Pleasant Hill, Mo.[73] **Assignee:** The Rival Company, Kansas City, Mo.[\*\*] **Term:** 14 Years[21] **Appl. No.:** 29/099,269[22] **Filed:** Nov. 21, 1997**Related U.S. Application Data**

[63] Continuation of application No. 29/068,020, Mar. 17, 1997, abandoned.

[51] **LOC (7) Cl.** ..... 07-02[52] **U.S. Cl.** ..... D7/360[58] **Field of Search** ..... D7/323, 354-361,  
D7/337; 99/324, 325, 331, 403, 410-413;  
219/429, 432, 438, 440[56] **References Cited****U.S. PATENT DOCUMENTS**

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7612	11/1913	United Kingdom .
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 Singer Lo-Cal Cooker operating manual and cookbook; published in 1992, pp. 1-5, and 26.  
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 Aroma Rice Cooker/Steamer newspaper article.  
 Hitachi, ChimeOmatic Models RD5083 & RD6103 specifications.

(List continued on next page.)

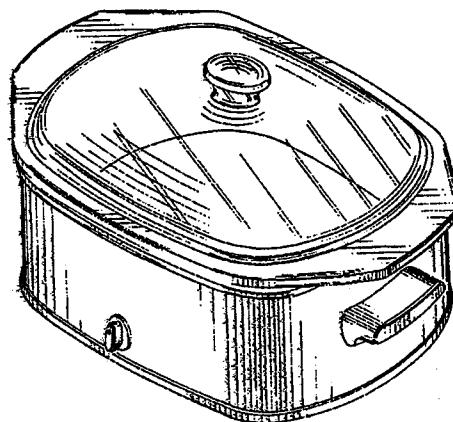
**Primary Examiner**—Caron D. Veynar  
**Attorney, Agent, or Firm**—Brinks, Hofer, Gilson & Lione;  
 Francis E. Marino

[57] **CLAIM**

The ornamental design for a slow cooker, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a slow cooker showing our new design;  
 FIG. 2 is a front view thereof;  
 FIG. 3 is a bottom view thereof;  
 FIG. 4 is a top view thereof;  
 FIG. 5 is a rear view thereof;  
 FIG. 6 is a right side view thereof; and,  
 FIG. 7 is a left side view thereof.

**1 Claim, 4 Drawing Sheets**

Des. 429,596

Page 2

## U.S. PATENT DOCUMENTS

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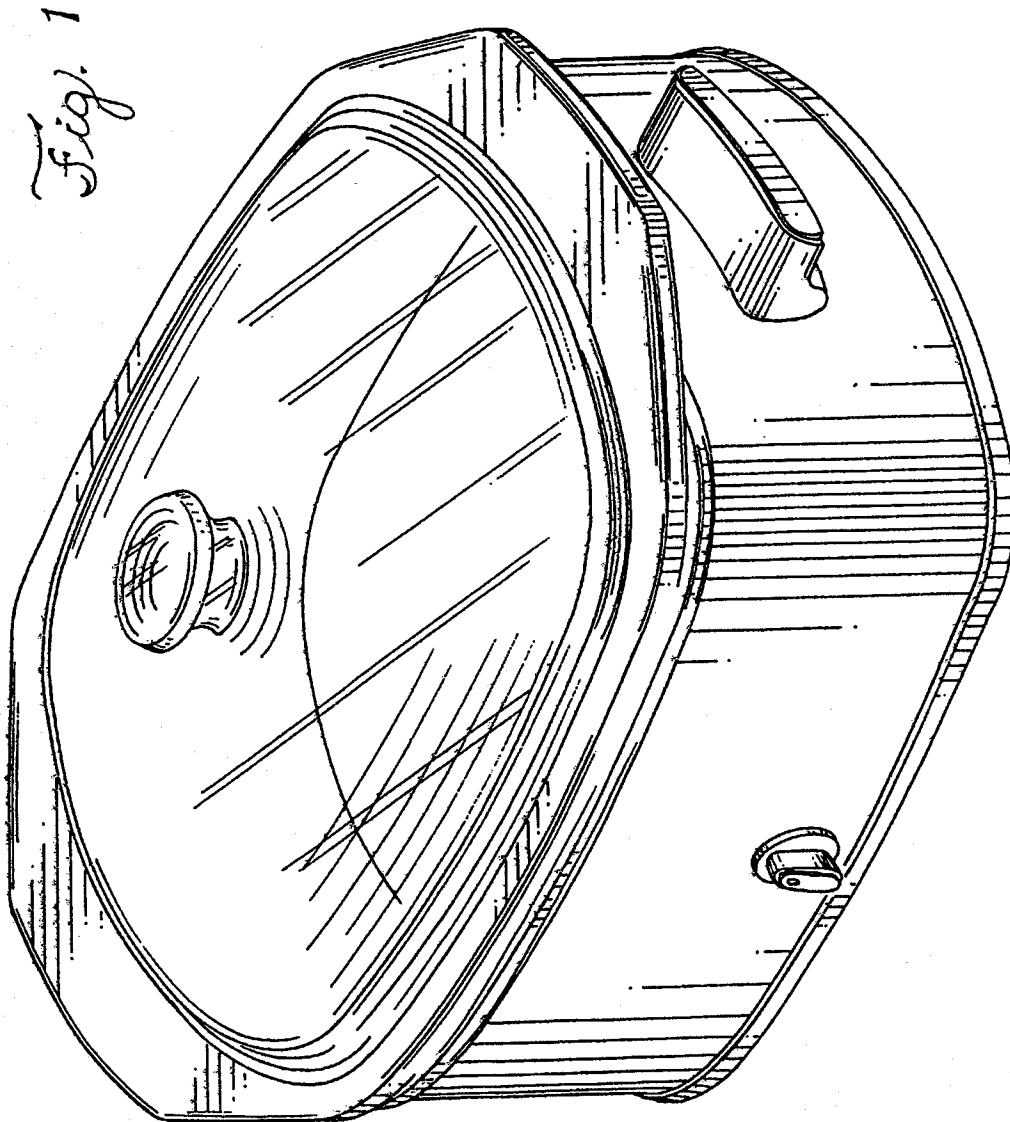


**U.S. Patent**

**Aug. 22, 2000**

**Sheet 1 of 4**

**Des. 429,596**



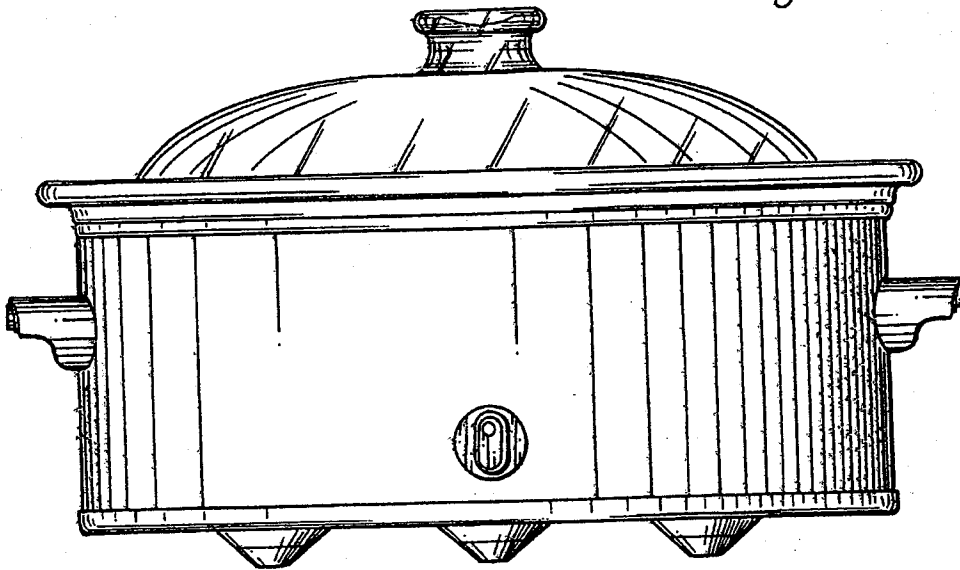
U.S. Patent

Aug. 22, 2000

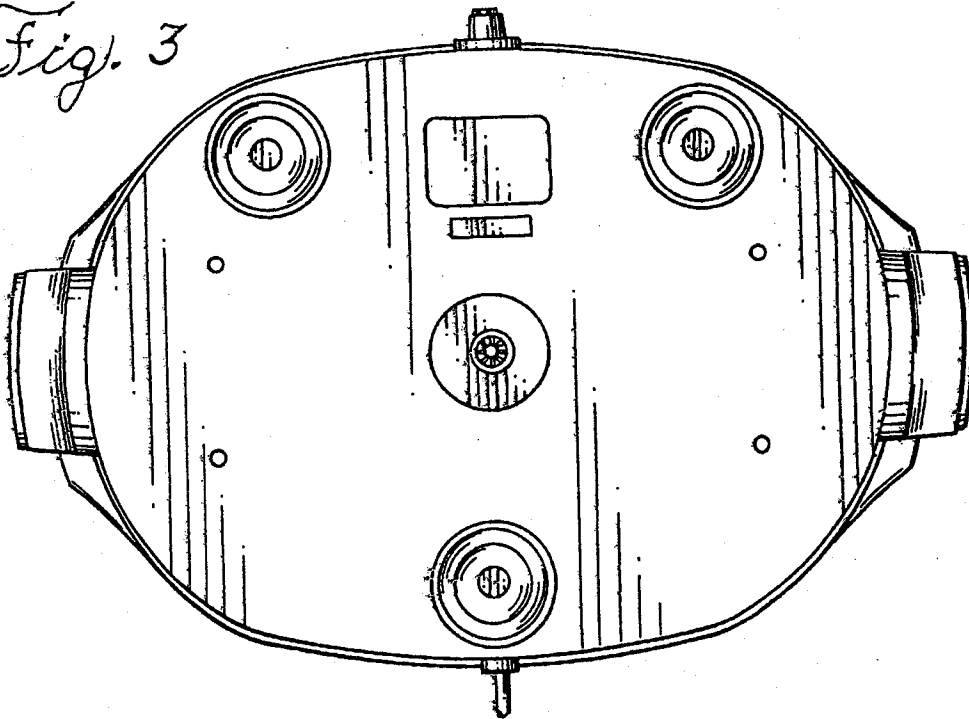
Sheet 2 of 4

Des. 429,596

*Fig. 2*



*Fig. 3*

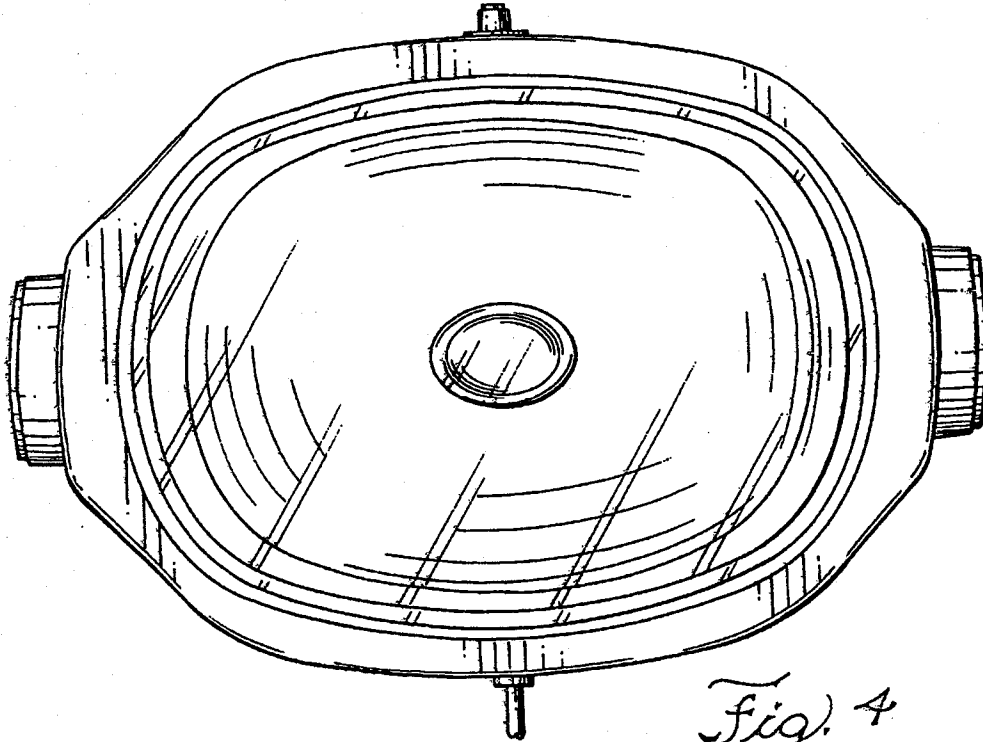


U.S. Patent

Aug. 22, 2000

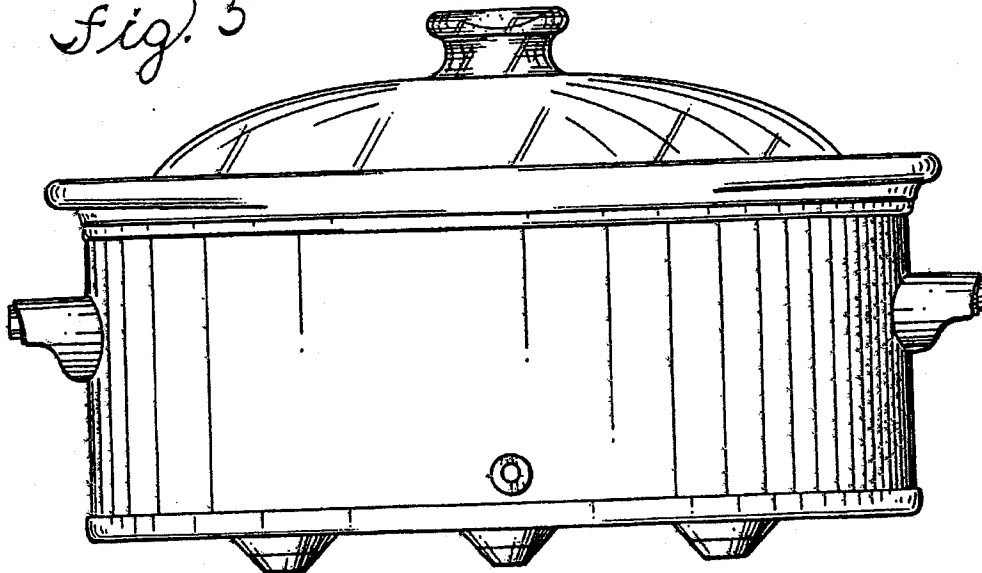
Sheet 3 of 4

Des. 429,596



*Fig. 4*

*Fig. 5*



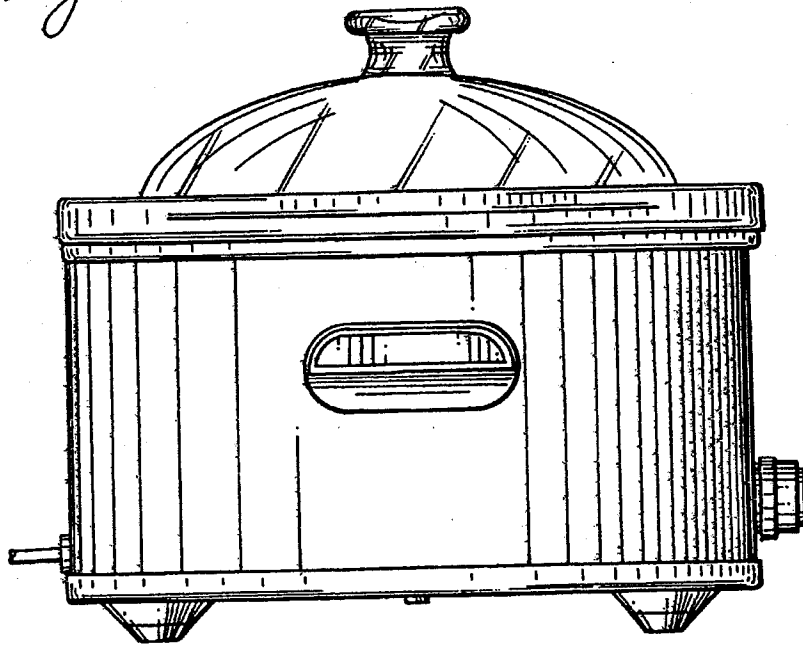
U.S. Patent

Aug. 22, 2000

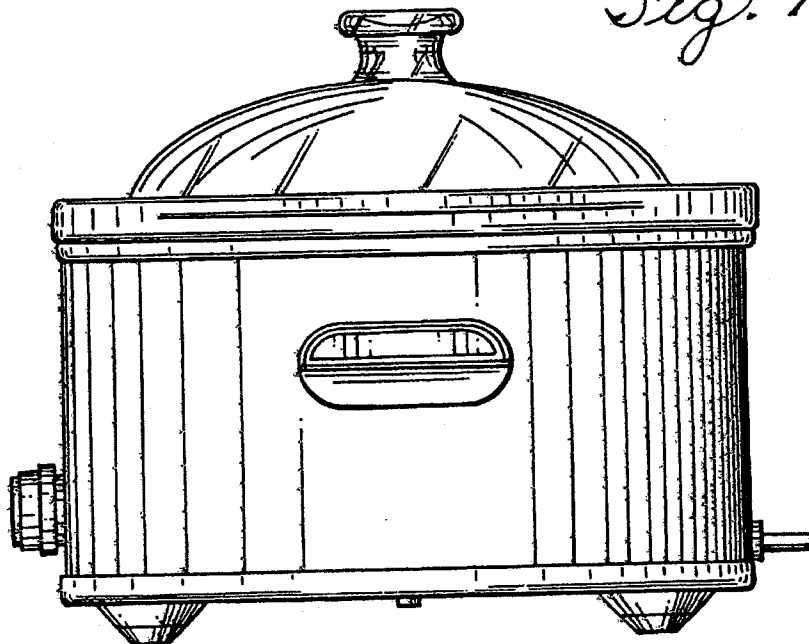
Sheet 4 of 4

Des. 429,596

*Fig. 6*



*Fig. 7*





## The Ornamental Points of Novelty

The Patents	Knob	Skirt	Lid	Insert	Feet
	An opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal, or a somewhat mushroom shaped knob.	An opaque round shaped and disc-like skirt that is larger in diameter than the knob.	A translucent domed and oval shaped lid having no integral skirt or knob.	An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.	Four opaque small cylindrical feet placed in a rectangular pattern on the body's bottom.
	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	No, feet not claimed
<b>West Bend's '993 Patent</b> Claims: Skirt, Lid, Insert and Body	No, knob not claimed	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	No, feet not claimed

## The Prior Art References

Hlava et al's D429,596 Design Patent for a "Slow Cooker"	No, the knob is translucent and it is not round	No, it has no skirt	No, the lid is not oval	No, the insert is not generally oval	No, it has three large tapered feet
Kaney et al's D420,247 Design Patent for a "Cooker"	No, the knob is translucent	No, the skirt is translucent	No, it has an integral skirt and knob	No, the material thickness does not thin around the entire perimeter	No, it has four large oval shaped feet
Alonzo et al's D420,246 Design Patent for a "Slow Cooker"	No, the knob is translucent	No, the skirt is translucent	No, it has an integral skirt and knob	No, the material thickness does not thin around the entire perimeter	No, it has three large domed feet
Pollnow's D416,434 Design Patent for a "Cooker"	No, the knob and skirt are one piece	No, the knob and skirt are one piece	No, the lid is not oval	No, the insert is round	No, it has three small round feet
Cesaroni et al's D366,592 Design Patent for an "Electric Cooker"	No, the knob is translucent, or the knob is non-existent	No, the skirt is translucent and it is not round	No, the lid is not oval, and it has an integral skirt and knob, or the lid is not oval	No, it has no insert and it is not generally oval	No, it has four blade-like feet set at angles
Greb et al's D284,257 Design Patent for a "Cooking Kettle"	No, the knob is translucent	No, the skirt is translucent	No, the lid is not oval, and it has an integral skirt and knob	No, it has no insert and it is not generally oval	No, it has four square feet extending beyond the body's perimeter
Bowen et al's D275,925 Design Patent for a "Microwave Egg Cooker Base"	No, it has no knob	No, it has no skirt	No, it has no lid	No, the insert is round	No, it has curved feet that are segments of a circle
Chlier's D254,355 Design Patent for a "Dish"	No, it has no knob	No, it has no skirt	No, it has no lid	No, it has no insert	No, it has round centered foot and a circular rib around its perimeter
Anserson's D253,574 Design Patent for a "Casserole With Cover Separately Usable as a Pie Plate"	No, it has a rectangular bar	No, it has no skirt	No, its lid is round and opaque	No, it has no insert	No, it has concentric circular ribs
Rinaldi's D248,363 Design Patent for an "Electric Slow Cooker"	No, it has a large hockey puck-like knob and no pedestal	No, it has no skirt	No, the lid is not oval, and it has an integral knob	No, the insert is not generally oval	No, it has three tapering cylindrical feet
Farber's D199,747 Design Patent for a "Cooking Utensil"	No, it has no knob	No, it has no skirt	No, the lid is round and opaque	No, it has no insert	No, it has no feet
Mortrude's D153,894 Design Patent for a "Dutch Oven"	No, it has a rectangular bar	No, it has no skirt	No, the lid is round and opaque	No, it has no insert	No, it has no feet
Coss' D104,914 Design Patent for an "Electric Roaster"	No, it has no knob	No, it has no skirt	No, the lid is opaque	No, if it has an insert, it has no end handles	No, it has no feet

## **EXHIBIT G – Part 7**





1. Rival's Accused Design Model 3730W



2. Rival's Accused Design Model 37351C





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 — About iKitchen

[Home](#) > [Small Appliances](#) > [Slow Cookers](#) > **Rival 3735W 3 1/2 Qt. Oval Slow Cooker With Glass Lid**


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Order Information	
Item #	01-RS 3735W
Reg Price	<del>\$39.99</del>
Sale Price	\$29.99 (You Save 25%)
<b>MIDNIGHT MADNESS Sale!</b> Use Coupon Code <b>MIDNIGHT</b> for an additional 5% OFF Until Midnight!	
Qty <input type="text" value="1"/>	
<b>Availability:</b> Usually ships in 2-business days.	
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## Rival 3735W 3 1/2 Qt. Oval Slow Cooker With Glass Lid

[Product Info](#)[Related Items](#)

Capture that special slow-simmered flavor with this Rival 1/2 3 1/2 Qt. Slow Cooker.

### Features:

- Wrap-around heat
- 3 1/2-qt. capacity
- 3-position control and oval removable stoneware pot

### Customer Reviews

This form is for Product reviews only.

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4. Rival's Accused Design Model 3735WN



## **EXHIBIT G – Part 8**

5. Rival's Accused Design Model 37401W





6. Rival's Accused Design Model 3752SM



7. Rival's Accused Design Model 37601VEG





8. Rival's Accused Design Model 38551W



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## Rival 38601-C 6-Quart Oval Smart-Pot Slow Cooker, Chrome

Other products by [Rival](#)

★★★★☆ (63 customer reviews)

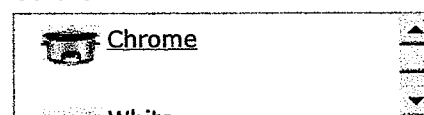
Color Name:

Chrome: \$60.00

Price: \$60.00

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Price: \$60.0

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## Product Features

- Removable stoneware w/tempered glass lid
- Programmable touchpad selects time & temp / auto-shift to warm
- Suregrip<sup>®</sup> side handles: improved grip & comfort
- Chrome lid handle for upscale styling
- Dimensions 9.3 long, 18.1 wide, 14.3 high weighs 13.2 lbs

## Product Details

**Product Dimensions:** 18.3 x 14.4 x 9.5 inches ; 14.5 pounds

**Shipping Weight:** 14.00 pounds ([View shipping rates and policies](#))

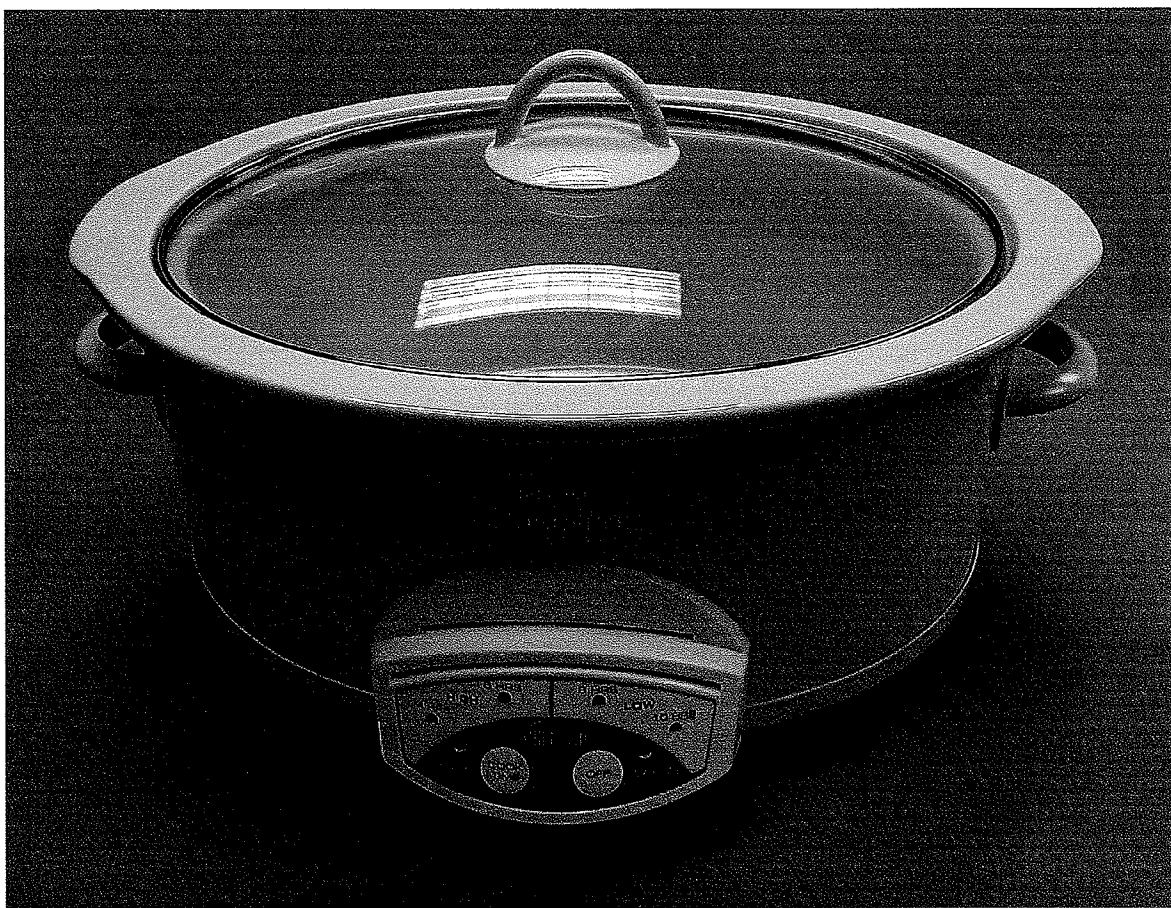
**Shipping:** Currently, item can be shipped only within the U.S.

**Shipping Advisory:** This item must be shipped separately from other items in your order. Add shipping charges will not apply.

**ASIN:** B00008I8NR

**Item model number:** 38601-C

10. Rival's Accused Design Model 38601W





11. Rival's Accused Design Model 38651C



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**Easy, convenient, must-have!** Come home to a warm, fresh meal that's ready to serve with this slowcooker. Featuring a removable stoneware pot with a Rinse-Clean™ coating, so cleanup is a breeze. And Sure-Grip™ handles for secure, comfortable handling. With three heat settings, including a "warm" setting. And a tempered glass lid that lets you take a peak on the progress without letting any heat escape. Plus, the large seven-quart capacity is a necessity for large families. It even comes with a BONUS travel case for meals on the go!

- 7-quart capacity
- Dishwasher safe lid and stoneware
- Manufacturer's limited 1-year warranty
- Model no. 5070TC-VG

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Item

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## Rival 5070TC Electric Slow Cooker

7 Quart Capacity - Overall Color: White - With Keep Warm Setting

Product Rating: [Be the first to review this product!](#)

Price: **\$48.99** at 1 store

Information: [Product Details](#)

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## Description

Rival's 7-Quart Slow Cooker showcases a Blanket of Heat, which wraps around for even heat distribution. The cooker features a lifetime Rinse-Clean stick-resistant coating.

## Product Details

### Main Features

Manufacturer Sku: [5070-W](#)  
Brand: [Rival](#)  
Model: [5070TC](#)  
Product Type: Electric Slow Cooker

### Other Features

Color: White  
Capacity: 7 Quart  
Keep Warm Setting: With Keep Warm Setting  
Removable Pot: Removable Pot  
Glass Lid: With Glass Lid

## **EXHIBIT G – Part 9**

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## Rival 5445-BCN 4-1/2-Quart Crock Pot Slow Cooker, Black/Chrome

Other products by [Rival](#)

★★★★☆ (14 customer reviews)

**Availability:** This item is currently not available.

### **Ships in Original Packaging:**

This item ships separately and in the original manufacturer's packaging. There will be shipping labels attached to the outside of the package. The contents of this package cannot be concealed. [See Product details for more information](#)

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## Product Features

- Auto-Protect safety system
- 2 heat settings
- Removeable stoneware
- Rinse-clean stick resistant coating
- Glass Lid

## Product Details

**Product Dimensions:** 16.1 x 12.6 x 9.1 inches ; 11.2 pounds

**Shipping Weight:** 13.00 pounds

**Shipping:** Currently, item can be shipped only within the U.S.

**Shipping Advisory:** This item must be shipped separately from other items in your order. Add shipping charges will not apply.

**ASIN:** B00005JHQ1

**Item model number:** 5445-BCN

**Average Customer Review:** ★★★★★ based on 14 reviews. ([Write a review.](#))

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## Rival 6445-BC Crock Pot 6.5-Quart Oval Slow Cooker

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### Product Features

- 6-1/2-quart oval slow cooker with handsome brushed metal finish
- Stoneware crock features rinse-clean, stick-resistant coating
- Exclusive auto-protect safety system
- 2 heat settings, low and high
- Glass lid allows monitoring

### Product Details

**Product Dimensions:** 19.7 x 13.4 x 10.0 inches ; 14.0 pounds

**Shipping Weight:** 14.00 pounds

**Shipping:** Currently, item can be shipped only within the U.S.

**Shipping Advisory:** This item must be shipped separately from other items in your order. Add shipping charges will not apply.

**ASIN:** B000087Z1L

**Item model number:** 6445BC

**Amazon.com Sales Rank:** #157,777 in Kitchen & Housewares (See [Top Sellers in Kitchen & Housewares](#))





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## Rival 64451LD-C 6.5 qt Crock Pot in Stainless Steel with Bonus Little Dipper Slow Cooker

Other products by [Rival](#)

**Availability:** This item is currently not available.

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### Product Features

- Ideal for 6-7 people
- 6
- Oval Shape
- Removable Stoneware
- Rinse-Clean coating for easy cleaning

### Product Details

**Shipping Weight:** 16.00 pounds

**ASIN:** B000BYAZHI

**Amazon.com Sales Rank:** None

This page was created by a seller.

### Product Manuals

[Submit a product manual.](#)

### Product Description

#### Product Description

Comes with Bonus Little Dipper Slow Cooker \* Ideal for 6-7 people \* 6.5 Quart Capacity \* Oval Removable Stoneware \* Rinse-Clean coating for easy cleaning \* Sure-Grip handles for added cr glass lid \* Ergonomically designed control knob \* Stainless Steel exterior \* 3 heat settings incl Warm setting to keep your food at the perfect temperature so Dinner is Ready When You Are M 64451LDC



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## Rival 6-Qt Programmable Smart Pot Slow Cooker, White



**\$34.87**

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[Presto 23-Qt Pressure C](#)  
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## Features & Specifications

The 6-Quart Oval Smart-Pot Slow Cooker is perfect for families on the go. Once the pre-set cooking time elapses, it automatically shifts to a warm setting to stay at the perfect serving temperature. Bonus travel bag is great for potlucks. Cookbook included. **Limited quantities available.**

- **6-quart oval slow cooker**
- **Removable stoneware**
- **Bonus travel bag and cookbook**
- **Model No. SCP609-WS**
- **Also available at Wal-Mart stores**

Model No.:	SCP609-WS
Shipping Weight (in pounds):	15.0
Product in Inches (L x W x H):	18.1 x 9.29 x 14.29
Assembled in Country of Origin:	import
Origin of Components:	import





19. Rival's Accused Design Model SCV400R





20. Rival's Accused Design Model SCV400SS



## **EXHIBIT G – Part 10**

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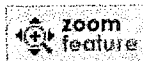
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**Rival® 4-qt. Crock-Pot® Stoneware Slowcooker**

reg. \$29.99

**sale \$25.99**

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**Slow down and enjoy cooking** with this Crock-Pot slowcooker. Featuring a convenient keep-warm setting. And a removable stoneware pot. With a stylish black and chrome design. Cook a delicious meal while you're at work or out for the day! It's ideal for serving 3-4 people.

- 4-quart
- Dishwasher safe lid and stoneware
- Limited 1-year manufacturer's warranty
- From the Premiere Collection
- Model no. SCV401-BS

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**Rival® 6-qt. Stoneware**  
reg. \$:  
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**Black & Decker® Skil**  
reg. \$:  
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Item

**Rival® 4-qt. Crock-Pot® Stoneware Slowcooker**

**Price**  
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**sale \$25.99**

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SCV450-SS Crock Pot Slow Cooker

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Shopping for the best buy on Rival SCV450-SS Crock Pot Slow Cooker - Read product reviews, compare prices and store ratings at Lycos.



## Rival SCV450-SS Crock Pot Slow Cooker

4.5 qt - Removable Oval Stoneware

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4.5 qt - Removable Oval Stoneware

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23. Rival's Accused Design Model SCV450SS



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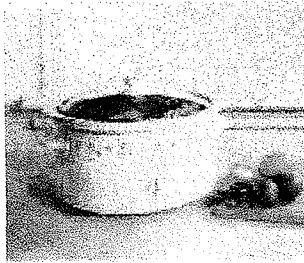


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## HOLMES GRP, THE / RIVAL DIV #SCV500- SM 5QT Spr Slow Cooker

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### Product Features

- HOLMES GRP, THE / RIVAL DIV #SCV500-SM 5QT Spr
- HOLMES GRP, THE / RIVAL DIV

### Product Details

**Shipping Weight:** 12.20 pounds

**ASIN:** B000FADNPY

**Amazon.com Sales Rank:** None

This page was created by a seller.

### Product Manuals

[Submit a product manual.](#)

### Product Description

#### Product Description

5 QT, Spring Meadow Design, Slow Cooker, Auto Protect Safety System, Rinse Clean Stick Resistant Coating, Removable Stoneware, Glass Lid, 2 Heat Settings.

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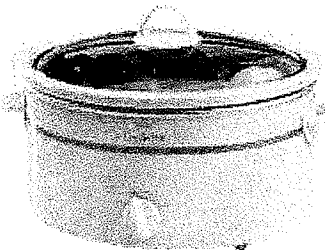


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**RIVAL SCV551-KW Crock Pot**  
 5-1/2 Quart Capacity / Slow Cook /  
 Removable Crock Insert for Easy  
 Cleaning / WHITE

J&R Item # RVL SCV551-KW  
 Mfr. Part # SCV551-KW

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26. Rival's Accused Design Model SCV553KM



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**Rival® 6-qt. Crock-Pot® Stoneware Slowcooker**

reg. \$39.99

**sale \$35.99**

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when \$7

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**Rival® 4-qt. Stoneware**  
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**sale \$:**



**Presto® Cool-Grid**  
reg. \$:  
**sale \$:**

**What's cooking?** It could be a delicious slow-cooked meal with this Crock-Pot. Featuring three heat settings. And a convenient keep-warm setting. The stoneware pot is removable for easy clean-up and serving. With a stylish black and stainless steel design. It's ideal for serving 5-6 people.

- 6-quart
- Dishwasher safe lid and stoneware
- Limited 1-year manufacturer's warranty
- From the Premiere Collection
- Model no. SCV601-BS

**Item**

**Rival® 6-qt. Crock-Pot® Stoneware Slowcooker**

**Price**  
reg. \$39.99  
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**Qua**  
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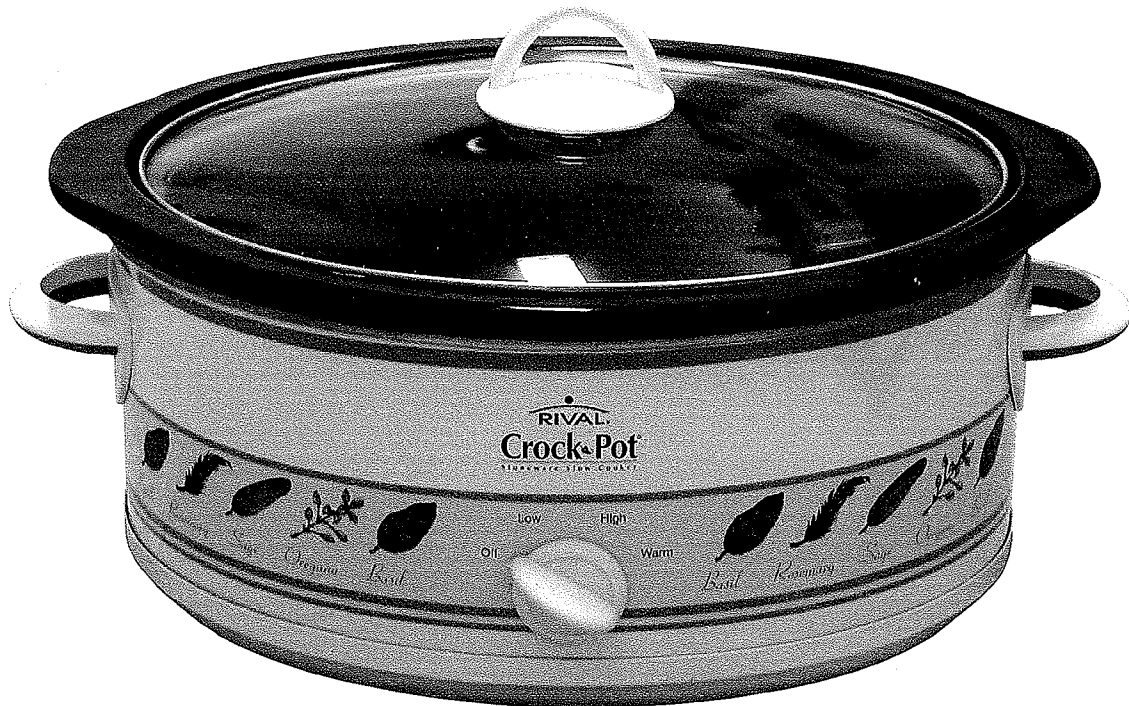
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28. Rival's Accused Design Model SCV610WM



## **EXHIBIT G – Part 11**



29. Rival's Accused Design Model SCVC604



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 Rival Slow Cookers > Rival Crock-Pot SCVP600-SS 6 Quart Smart-Pot Programmable

### Rival Crock-Pot SCVP600-SS 6 Quart Smart-Pot Programmable Slow Cc



#### Ordering Information:

Availability: 48  
 SCVP600-SS  
 Regular Price:\$69.95

**Special Fall Sale:\$46.95**

Order

**Rival Crock-Pot SCVP600-SS 6 C  
 Pot Programmable Slow Cooker**  
 Rival Crock-Pot SCVP600-SS 6 Qua  
 Programmable Slow Cooker

Rival introduces the first revolution  
 cooking in years, the Rival SCVP600  
 programmable Smart-Pot. This is th  
 cooker with a programmable touchp  
 the cook time and temperature. Wh  
 cooking, it will automatically shift to  
 setting, so dinner is ready when you

The programmable Smart-Pot also i  
 removable, dishwasher-safe stonew  
 RinseClean coating, SureGrip handl  
 comfort and a glass lid.

#### Features:

- Ideal for 5-6 people, program  
 temperature and time setting
- Oval Shape
- Removable Stoneware
- Rinse-Clean coating for easy c
- Sure-Grip™ handles for added
- Glass lid
- Programmable touchpad select  
 and temperature
- Auto-shift to "Warm" setting

#### Other products in Rival Slow Cookers include...

- » Rival 3040-BC 4-Quart Crock-Pot Black and  
 Chrome
- » Rival Crock Pot 33511LD-C 5-quart Chrome  
 Slow Cooker w/Little Dipper
- » Rival Crock-Pot BB200 BBQ Pit Slow Cooker  
 w/Stainless Steel Accents
- » Rival Crock-Pot SCE600-BW 6-Quart Slow  
 Cooker - Black
- » Rival Crock-Pot SCR500-GF Slow Cooker
- » Rival 3215-WN 1-1/2 Quart Crock  
 Removable Insert
- » Rival Crock-Pot 5025-WG 2.5-qu  
 Cooker
- » Rival Crock-Pot SC7500 5 Quart F  
 Versaware Slow Cooker
- » Rival Crock-Pot SCE600-EF 6-Qua  
 Cooker - White
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## Rival 6 Qt. SmartPot™ Slow Cooker

Item #: 48515  
\$49.97

Model: SCVP601-K

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### Description

Programmable  
 Stainless steel exterior with black  
 crockery  
 Automatically shifts to warm when  
 done  
 Removable stoneware  
 240 watts  
 Rinse Clean™ coating  
 Bonus cookbook

Color:  
 Capacity-Quarts:  
 Number of Settings:  
 Removable Pot:  
 Divided Pot:  
 Removable Temperature  
 Control:  
 Weight-Pounds:

Brushed  
 Stainless  
 6  
 4  
 Yes  
 No  
 No  
 14

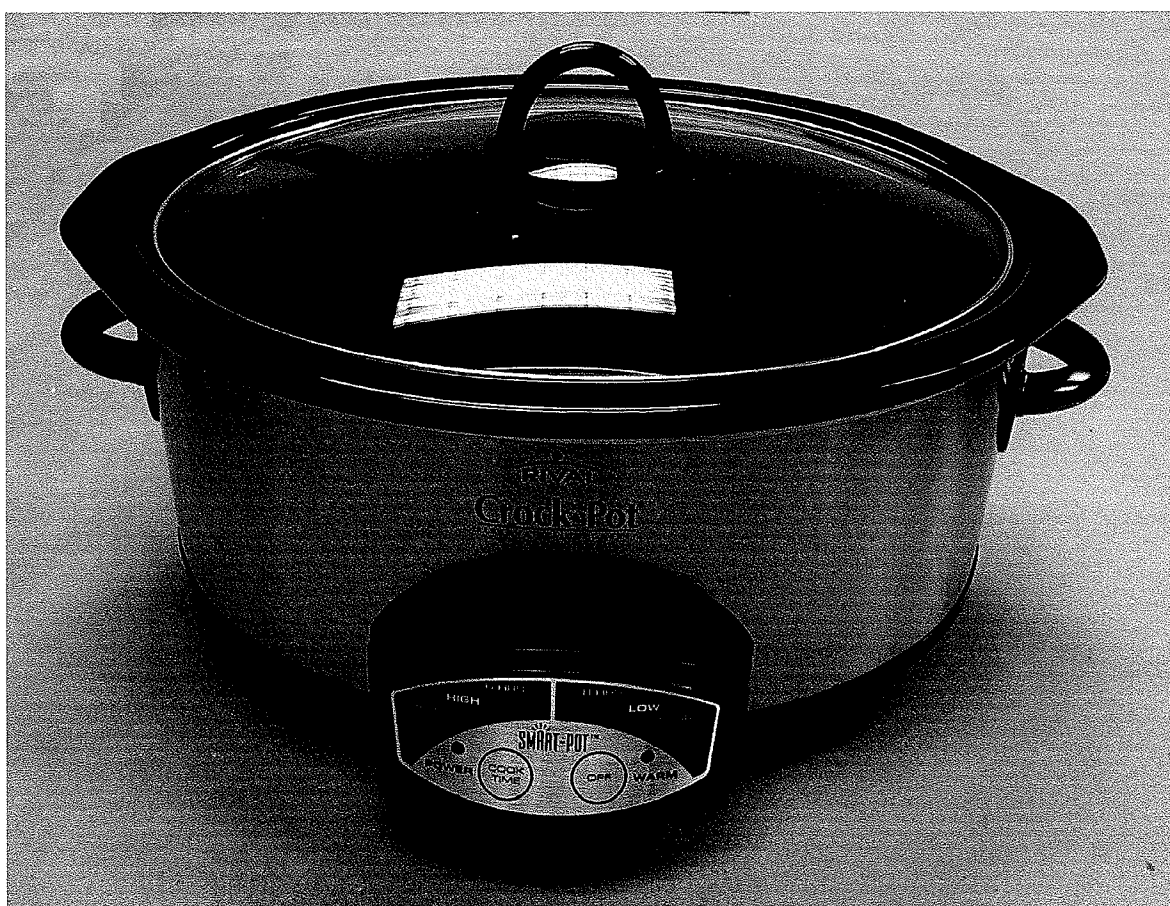
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32. Rival's Accused Design Model SCVP601UM



33. Rival's Accused Design Model SCVP609KLS



34. Rival's Accused Design Model SCVP609TG







## Rival's Designs That Appropriate the Points of Novelty of West Bend's '664 Design Patent

	<b>Knob:</b> An opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal, or a somewhat mushroom shaped knob.	<b>Skirt:</b> An opaque round shaped and disc-like skirt that is larger in diameter than the knob.	<b>Lid:</b> A translucent domed and oval shaped lid having no integral skirt or knob.	<b>Insert:</b> An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.	<b>Feet:</b> Four opaque small cylindrical feet placed in a rectangular pattern on the body's bottom.
1. Rival's 3730W Design	Yes	Yes	Yes	Yes	
2. Rival's 37351C Design	Yes	Yes	Yes	Yes	
3. Rival's 3735W Design	Yes	Yes	Yes	Yes	
4. Rival's 3735WN Design		Yes	Yes	Yes	
5. Rival's 37401W Design		Yes	Yes	Yes	
6. Rival's 3752SM Design	Yes	Yes	Yes	Yes	
7. Rival's 37601VEG Design		Yes	Yes	Yes	
8. Rival's 38551W Design		Yes	Yes	Yes	
9. Rival's 38601C Design		Yes	Yes	Yes	
10. Rival's 38601W Design		Yes	Yes	Yes	
11. Rival's 38651C Design		Yes	Yes	Yes	
12. Rival's 5070TCVG Design		Yes	Yes	Yes	
13. Rival's 5070 TCW Design	Yes	Yes	Yes	Yes	
14. Rival's 5445BCN Design	Yes	Yes	Yes	Yes	
15. Rival's 6445BC Design	Yes	Yes	Yes	Yes	
16. Rival's 64451C Design		Yes	Yes	Yes	
17. Rival's 64451LDC Design		Yes	Yes	Yes	
18. Rival's SCP609WS Design		Yes	Yes	Yes	
19. Rival's SCV400R Design		Yes	Yes	Yes	
20. Rival's SCV400SS Design		Yes	Yes	Yes	
21. Rival's SCV401BS Design		Yes	Yes	Yes	
22. Rival's SCV450SS Design	Yes	Yes	Yes	Yes	
23. Rival's SCV450SS Design		Yes	Yes	Yes	
24. Rival's SCV500SM Design	Yes	Yes	Yes	Yes	
25. Rival's SCV551KW Design		Yes	Yes	Yes	
26. Rival's SCV553KM Design		Yes	Yes	Yes	
27. Rival's SCV601BS Design		Yes	Yes	Yes	
28. Rival's SCV610WM Design		Yes	Yes	Yes	
29. Rival's SCVC604 Design		Yes	Yes	Yes	
30. Rival's SCVP600SS Design		Yes	Yes	Yes	
31. Rival's SCVP601K Design		Yes	Yes	Yes	
32. Rival's SCVP601UM Design		Yes	Yes	Yes	
33. Rival's SCVP609KLS Design		Yes	Yes	Yes	
34. Rival's SCVP609TG Design		Yes	Yes	Yes	

## Rival's Designs That Appropriate the Points of Novelty of West Bend's '266 Design Patent

	Knob: An opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal, or a somewhat mushroom shaped knob.	Skirt: An opaque round shaped and disc-like skirt that is larger in diameter than the knob.	Lid: A translucent domed and oval shaped lid having no integral skirt or knob.	Insert: An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.
1. Rival's 3730W Design	Yes	Yes	Yes	Yes
2. Rival's 37351C Design	Yes	Yes	Yes	Yes
3. Rival's 3735W Design	Yes	Yes	Yes	Yes
4. Rival's 3735WN Design		Yes	Yes	Yes
5. Rival's 37401W Design		Yes	Yes	Yes
6. Rival's 3752SM Design	Yes	Yes	Yes	Yes
7. Rival's 37601VEG Design		Yes	Yes	Yes
8. Rival's 38551W Design		Yes	Yes	Yes
9. Rival's 38601C Design		Yes	Yes	Yes
10. Rival's 38601W Design		Yes	Yes	Yes
11. Rival's 38651C Design		Yes	Yes	Yes
12. Rival's 5070TCVG Design		Yes	Yes	Yes
13. Rival's 5070 TCW Design	Yes	Yes	Yes	Yes
14. Rival's 5445BCN Design	Yes	Yes	Yes	Yes
15. Rival's 6445BC Design	Yes	Yes	Yes	Yes
16. Rival's 64451C Design		Yes	Yes	Yes
17. Rival's 64451LDC Design		Yes	Yes	Yes
18. Rival's SCP609WS Design		Yes	Yes	Yes
19. Rival's SCV400R Design		Yes	Yes	Yes
20. Rival's SCV400SS Design		Yes	Yes	Yes
21. Rival's SCV401BS Design		Yes	Yes	Yes
22. Rival's SCV450SS Design	Yes	Yes	Yes	Yes
23. Rival's SCV450SS Design		Yes	Yes	Yes
24. Rival's SCV500SM Design	Yes	Yes	Yes	Yes
25. Rival's SCV551KW Design		Yes	Yes	Yes
26. Rival's SCV553KM Design		Yes	Yes	Yes
27. Rival's SCV601BS Design		Yes	Yes	Yes
28. Rival's SCV610WM Design		Yes	Yes	Yes
29. Rival's SCVC604 Design		Yes	Yes	Yes
30. Rival's SCVP600SS Design		Yes	Yes	Yes
31. Rival's SCVP601K Design		Yes	Yes	Yes
32. Rival's SCVP601UM Design		Yes	Yes	Yes
33. Rival's SCVP609KLS Design		Yes	Yes	Yes
34. Rival's SCVP609TG Design		Yes	Yes	Yes

**Rival's Designs That Appropriate the Points of Novelty of West Bend's '993 Design Patent**

	<b>Skirt:</b> An opaque round shaped and disc-like skirt that is larger in diameter than the knob.	<b>Lid:</b> A translucent domed and oval shaped lid having no integral skirt or knob.	<b>Insert:</b> An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.
1. Rival's 3730W Design	Yes	Yes	Yes
2. Rival's 37351C Design	Yes	Yes	Yes
3. Rival's 3735W Design	Yes	Yes	Yes
4. Rival's 3735WN Design	Yes	Yes	Yes
5. Rival's 37401W Design	Yes	Yes	Yes
6. Rival's 3752SM Design	Yes	Yes	Yes
7. Rival's 37601VEG Design	Yes	Yes	Yes
8. Rival's 38551W Design	Yes	Yes	Yes
9. Rival's 38601C Design	Yes	Yes	Yes
10. Rival's 38601W Design	Yes	Yes	Yes
11. Rival's 38651C Design	Yes	Yes	Yes
12. Rival's 5070TCVG Design	Yes	Yes	Yes
13. Rival's 5070 TCW Design	Yes	Yes	Yes
14. Rival's 5445BCN Design	Yes	Yes	Yes
15. Rival's 6445BC Design	Yes	Yes	Yes
16. Rival's 64451C Design	Yes	Yes	Yes
17. Rival's 64451LDC Design	Yes	Yes	Yes
18. Rival's SCP609WS Design	Yes	Yes	Yes
19. Rival's SCV400R Design	Yes	Yes	Yes
20. Rival's SCV400SS Design	Yes	Yes	Yes
21. Rival's SCV401BS Design	Yes	Yes	Yes
22. Rival's SCV450SS Design	Yes	Yes	Yes
23. Rival's SCV450SS Design	Yes	Yes	Yes
24. Rival's SCV500SM Design	Yes	Yes	Yes
25. Rival's SCV551KW Design	Yes	Yes	Yes
26. Rival's SCV553KM Design	Yes	Yes	Yes
27. Rival's SCV601BS Design	Yes	Yes	Yes
28. Rival's SCV610WM Design	Yes	Yes	Yes
29. Rival's SCVC604 Design	Yes	Yes	Yes
30. Rival's SCVP600SS Design	Yes	Yes	Yes
31. Rival's SCVP601K Design	Yes	Yes	Yes
32. Rival's SCVP601UM Design	Yes	Yes	Yes
33. Rival's SCVP609KLS Design	Yes	Yes	Yes
34. Rival's SCVP609TG Design	Yes	Yes	Yes





**Rival's Designs That Appropriate the Points of Novelty of West Bend's Design Patents**

	West Bend's '664 Design Patent Claims: Knob, Skirt, Lid, Insert, Body & Feet	West Bend's '266 Design Patent Claims: Knob, Skirt, Lid, Insert & Body	West Bend's '993 Design Patent Claims: Skirt, Lid, Insert & Body
1. Rival's 3730W Design	Yes	Yes	Yes
2. Rival's 37351C Design	Yes	Yes	Yes
3. Rival's 3735W Design	Yes	Yes	Yes
4. Rival's 3735WN Design			Yes
5. Rival's 37401W Design			Yes
6. Rival's 3752SM Design	Yes	Yes	Yes
7. Rival's 37601VEG Design			Yes
8. Rival's 38551W Design			Yes
9. Rival's 38601C Design			Yes
10. Rival's 38601W Design			Yes
11. Rival's 38651C Design			Yes
12. Rival's 5070TCVG Design			Yes
13. Rival's 5070 TCW Design	Yes	Yes	Yes
14. Rival's 5445BCN Design	Yes	Yes	Yes
15. Rival's 6445BC Design	Yes	Yes	Yes
16. Rival's 64451C Design			Yes
17. Rival's 64451LDC Design			Yes
18. Rival's SCP609WS Design			Yes
19. Rival's SCV400R Design			Yes
20. Rival's SCV400SS Design			Yes
21. Rival's SCV401BS Design			Yes
22. Rival's SCV450SS Design	Yes	Yes	Yes
23. Rival's SCV450SS Design			Yes
24. Rival's SCV500SM Design	Yes	Yes	Yes
25. Rival's SCV551KW Design			Yes
26. Rival's SCV553KM Design			Yes
27. Rival's SCV601BS Design			Yes
28. Rival's SCV610WM Design			Yes
29. Rival's SCVC604 Design			Yes
30. Rival's SCVP600SS Design			Yes
31. Rival's SCVP601K Design			Yes
32. Rival's SCVP601UM Design			Yes
33. Rival's SCVP609KLS Design			Yes
34. Rival's SCVP609TG Design			Yes

**United States District Court  
For The District of Massachusetts**

West Bend Housewares, LLC  
Plaintiff,

v.

The Holmes Group, Inc.  
Defendant.

Civil Action No. 05-CV-11367-WGY  
(Alexander, M.J.)

**Expert Report of Cooper C. Woodring, FIDSA®**

Background and Qualifications

1. I am an industrial designer. The Industrial Designers Society of America (IDSA) defines industrial design as:

“Industrial design is the professional service of creating and developing concepts and specifications that optimize the function, value and appearance of products and systems for the mutual benefit of both user and manufacturer” (Exhibit 1).

2. I am an independent industrial designer and inventor and I have a Bachelor’s and a Master’s Degree in Industrial Design. I have received over 25 design and utility patents, a list of which appears in Exhibit 2.

3. I have worked as an industrial designer continuously for 44 years since 1962. A majority of my career was spent with 25 billion dollar JCPenney Co. in New York City as Manager of New Product Development and Product Design. JCPenney is a retailer. It does no manufacturing, but purchases products manufactured to its design specifications that are sold under its own name. In that capacity, I also directed research into how ordinary observers compare, evaluate and purchase product designs. More than one million people a day shop in JCPenney stores. I studied and learned the shopping habits of ordinary consumers in the retail environment.

4. I served as President and Chairman of the Industrial Designers Society of America (IDSA). I testified before the United States Congress on The Industrial Design Innovation and Technology Act. I was appointed by President Reagan to head the United States Information Agency’s (USIA’s) Cultural Exchange Mission, “Design in America”, behind the then Iron Curtain. Earlier this year, I addressed the Design Patent Examiners of the United States Patent and Trademark Office (USPTO) on current and future design issues and strategies at the USPTO’s first “Design Day”.

5. I received my profession's highest award, IDSA's Personal Recognition Award, previously bestowed upon only nine prior designers, including the legendary Raymond Loewy. A list of my honors, awards, articles and speaking engagements appears in my Curriculum Vitae (Exhibit 3).

6. During the past four years I have provided expert testimony in several cases (Exhibit 4).

7. For my work in this case, I am being compensated at my customary rate of \$300. per hour. My compensation does not depend upon the outcome of this litigation, the opinions I express, or my testimony.

### **Background to the Case**

8. I have been retained as an expert witness in this case by West Bend Housewares, LLC ("West Bend") to assist Michael Best & Friedrich, LLP counsel for West Bend, to opine whether accused slow cookers manufactured by or for The Holmes Group, Inc. ("Holmes") and sold as Rival Crock Pots infringe United States Design Patent Number 434,266 ("the '266 patent") (Exhibit 5), United States Design Patent Number 444,664 ("the '664 patent") (Exhibit 5), and/or United States Design Patent Number 444,993 ("the '993 patent") (Exhibit 5).

9. Patentees William C. Dobson and Scott T. Pullnow created the cooker design and applied for design patents commencing December 7, 1998. The '266 patent issued on November 28, 2000. The '664 patent issued on July 10, 2001. The '993 patent was issued on July 17, 2001. The patentees assigned their rights to Premark WB Holdings, Inc., which subsequently assigned the rights to West Bend. The '266, '664, and '993 patents will all expire on December 6, 2012 because they share a common priority date of December 7, 1998 based upon their "parent" patent application, United States Design Patent Number 425,360, Serial Number 29/097,446, which is not involved in the present litigation.

### **Summary of Opinions**

10. As I will explain in my detailed analysis, it is my opinion that all of Rival's Crock Pots listed in Exhibit 6 infringe one or more of West Bend's '266, '664 and '993 design patents.

11. I reserve the right to modify and enlarge my opinions or the basis thereof based upon any further discovery or testimony or other evidence, or based upon a different claim interpretation of the '226, '664 and '993 design patents by the Court.

### **Standards Utilized in Infringement Analysis**

12. Analysis of design patent infringement is performed in three steps. The first step is a determination of the meaning and scope of the design patent's claim. Once the meaning and scope of the claim has been determined, that claim is compared to the accused design to determine if there is infringement. This comparison is performed in two steps referred to as the Gorham "ordinary observer" test and the Litton "point of novelty" test.

13. The Gorham test states:

[ Gorham Mfg. Co. v. White, 81 U.S. (Wall.) 511, 528 (1872) ]

"If in the eye of an ordinary observer, giving such attention as a purchaser usually gives, two designs are substantially the same, if the resemblance is such as to deceive such an observer, inducing him to purchase one supposing it to be the other, the first one patented is infringed by the other".

14. Exhibit 7 contains a copy of the original drawings from Gorham's U.S. Design Patent Number 1,440 issued on July 16, 1861 compared to corresponding photographs of White's accused handle design. The purpose of this exhibit is to demonstrate that there are a number of visually discernible differences between Gorham's patented handle design and White's accused handle design. Yet, the United States Supreme Court still found White's design infringed Gorham's design patent. Substantially the same does not mean exactly the same.

15. To evaluate whether the ordinary observer would consider West Bend's and Rival's designs to be substantially the same, requires determining who this hypothetical person might be to determine the appropriate level of ordinary observer scrutiny. Given a slow cooker's relatively low cost, market and channels of distribution, the ordinary observer is an everyday customer who has recently purchased a slow cooker or is considering purchasing one.

16. The Litton test states:

[ Litton Systems, Inc. v. Whirlpool Corp., 728 F.2d 1423, 1444 (Fed. Cir. 1984) ]

"For a design patent to be infringed, however, no matter how similar the two items look, the accused device must appropriate the novelty of the patented device which distinguishes it from the prior art".

## **Discussion**

17. Although all design patents contain a single claim that refers to the ornamental nature of the design, it is the drawings in the design patent that specifically define the patented design. Therefore, the

drawings of the design patent must be examined to determine the meaning and scope of the claimed design.

18. The proper visual comparison to evaluate infringement in design patent cases is the drawings in the design patent compared to the actual accused device. The comparison of the patent's two dimensional drawings to the accused device's three dimensional product may be somewhat difficult. As a result, photographs of the accused device are often substituted so we may more conveniently compare black and white drawings to black and white photographs as color is not an issue because color is not specified or claimed. If photographs are used, they are most fairly compared when they are viewed from the same elevations or angles that are shown in the design patent and in the same size or scale.

19. To determine if Rival's accused designs infringe any or all of West Bend's design patents, I examined the patents' drawings and compared them to Rival's designs to determine if Rival's designs were substantially the same in overall appearance in the eye of the ordinary observer.

20. I then compared West Bend's patents' designs to prior art designs, including the prior art identified by Holmes in response to West Bend's discovery request, to determine what novel features distinguish the West Bend's design from the prior designs. These novel features become the points of novelty to be compared to Rival's design to determine if Rival's design appropriated any or all of West Bend's patents' points of novelty.

21. Rival's accused Crock Pot designs vary in a number of ways. All are oval, not round, when viewed from the top or bottom. Some have a knob shaped handle atop the lid, while others have a loop shaped handle atop the lid (Exhibit 8). Some have various color painted bodies, while others have printed graphic motifs or stainless steel bodies (Exhibit 9). Some have a simple rotary control knob, while others have programable digital control panels (Exhibit 10). And, sizes vary from a three quart capacity to a seven quart capacity (Exhibit 11).

22. West Bend's three design patents all show the same design for a cooker. The only difference among them is each claims a slightly different portion of the cooker design. Those portions that are shown in what is known as "broken line disclosure" are not a part of the claimed design, but are shown for environmental context only. The face of all three design patents include the sentence: "The broken line showings in Figs. 1 -7 are for illustrative purposes only and form no part of the claimed design".

23. Another important issue in properly interpreting the drawings in a design patent is an understanding of what elements are opaque and what elements are transparent. The MPEP (Manual of Patent Examining Procedures) states in 1500 Design Patents, Section 15.48, Item II, "Oblique (or diagonal) shading must be used to show transparent, translucent and highly polished or reflective surfaces, such as a mirror". That oblique shading, indicating transparency, can be seen, for example, in

Exhibit 5, the '266 design patent, Fig's. 1 - 6, on the lid and no where else in the patent. Rival's corresponding lid design is clear glass.

24. The patented design can be broken down into individual visual elements. Starting at the top and working down, the individual elements are, a knob or handle, a skirt (under the knob or handle), a lid, an insert (the ceramic part), a body, thin bands around the top and/or bottom of the body's perimeter, body handles, controls and feet. Exhibit 12 is a diagram identifying these individual parts to reduce any possible confusion over which element is being referenced.

25. The '266 patent (Exhibit 5) claims all of the described elements except the feet. The '664 patent (Exhibit 5) claims all of the elements except the thin band around the body's bottom perimeter, and the '993 patent (Exhibit 5) claims all of the elements except the knob or handle atop the lid, the thin band around the body's bottom perimeter and the feet. None of the three patents claim the control panel or the handles extending outwardly from the body's vertical walls which are both shown in broken lines in all three design patents, therefore what Rival's design of these elements looks like is not relevant.

#### **Claim Construction, Analysis**

26. The overall appearance of West Bend's patented design is a combination of its individual visual elements. Therefore, the '266 patent's claim construction can be characterized as a cooker comprised of,

a straight and vertically sided oval shaped body having thin bands around its top and bottom perimeters,

an opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter,

an opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal or a somewhat mushroom shaped knob,

an opaque round shaped and disc-like skirt that is larger in diameter than the knob, and

a translucent and oval shaped lid having no integral skirt or knob.

27. The '664 patent's claim construction can be characterized as a cooker comprised of,

a straight and vertically sided oval shaped body having a thin band around its top perimeter,

an opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter,

an opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal or a somewhat mushroom shaped knob,

an opaque round shaped and disc-like skirt that is larger in diameter than the knob, and

a translucent and oval shaped lid having no integral skirt or knob, and

four opaque small cylindrical feet placed in a rectangular pattern on the body's bottom.

28. The '993 patent's claim construction can be characterized as a cooker comprised of,

a straight and vertically sided oval shaped body having thin bands around its top perimeter,

an opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter,

an opaque round shaped and disc-like skirt that is larger in diameter than the unclaimed knob, and

a translucent and oval shaped lid having no integral skirt or knob.

29. When comparing the patented design to the accused designs, one must also not consider brand names, logotypes, color, labels, materials or texture, as those visual elements are not a part of design patent infringement analysis, unless they are specifically claimed, which in this case, they are not, with the exception of which elements are opaque and which elements are transparent as those characteristics are claimed in all three West Bend design patents.

30. For example, Rival's accused designs have varying body colors, textures, materials and graphic motifs. As West Bend's patents do not specify, and are therefore not limited by, the body's surface treatment, none of Rival's varying body's surface treatments are relevant (Exhibit 9). Another example is Rival's accused designs have varying sizes ranging from three quart capacity to seven quart capacity with several sizes in-between. As West Bend's design patents have no dimensions or indication of size, it is



not relevant what size Rival's accused products are, so long as when photographed and compared to West Bend's patent's drawings in the same scale, they still look alike, which they do (Exhibit 11).

### **The Gorham Test, Analysis**

31. When comparing the design of West Bend's patents with Rival's design, both similarities and differences were noted. As a comparison of each view of West Bend's patents to Rival's designs is made, similarities and differences will be noted and analyzed.

32. Exhibit 13 shows Fig. 1, a perspective view of West Bend's patented design and compares those drawings to photographs of representative samples of Rival's designs. One can readily see that the overall shape or configuration of the patented design and the accused designs is substantially the same. Both have similar opaque skirts, transparent lids, opaque inserts, opaque bodies and opaque thin bands around the body's top and bottom perimeters. The most noticeable difference between West Bend's and Rival's designs is the unclaimed handles attached to the body's vertical walls. Since the body's handles are not claimed in any of West Bend's three patents, it is not relevant what Rival's body handles look like.

33. Another similarity and difference is while West Bend's patents show a mushroom shaped knob atop the lid similar to one representative sample of Rival's accused designs, the other representative sample of Rival designs has a loop shaped lid handle.

34. Exhibit 14 shows Fig. 2, a front view of the patented design and compares those drawings to corresponding photographs of representative samples of Rival's accused Crock Pots designs. This view shows that the overall proportions of the patented and accused designs are very similar. Both have about the same height to width ratio and both transparent lids have about the same crown or domed appearance. The most noticeable difference, other than the mushroom shaped knob or loop shaped handle, is the insert's thin edge. While both designs have an edge that thins around the insert's entire perimeter, the West Bend's edge slopes down while Rival's edge slopes up.

35. Exhibit 15 shows Fig. 3, a rear view of West Bend's patent and compares that view with photographs of corresponding views of representative samples of Rival's designs. Like the previous views, this view confirms the substantial similarity of the overall appearance and proportions of the designs. It also demonstrates that while West Bend's and Rival's knob's overall design is similar, minor differences do exist, like the the top surface of West Bend's knob is flat while Rival's is crowned.

36. Exhibit 16 shows Fig. 4, the right side view and compares West Bend's drawings to corresponding views of representative samples of Rival's designs. These comparisons, like the front and rear views, reinforce the overall similarity of the configuration of the patented and accused designs. The primary difference lies in the body's handles which are not claimed in any of West Bend's patents and are



therefore not relevant for comparison.

37. Exhibit 17 shows Fig. 5, the right side view and compares the drawings to corresponding views of representative samples of Rival's designs. These comparisons, like the front and rear views, reinforce the overall similarity of the configuration of the patented and accused designs, with the exception of the knob or loop handle.

38. Exhibit 18 shows Fig. 6, a top plan view of the patented design and compares it with similar top views of representative samples of Rival's accused products. One can see that both the patented design and the accused designs are oval or elliptical in shape and both insert's have outwardly flared handles on both right and left ends that have a slight ogee or reverse curve between the handle itself and the balance of the perimeter of the generally oval shaped insert. Both designs show an opaque knob or loop handle being somewhat smaller than the opaque skirt sitting atop the transparent domed lid. The fact that some of Rival's designs have a loop shaped handle or that Rival added twelve small radiating depressions about the perimeter of West Bend's knob design does not escape that their overall appearance is still substantially the same. Rival also added a small vent hole on the lid of one version of its Crock Pot design.

39. Exhibit 19 shows Fig. 7, a bottom view of both West Bend's and Rival's designs. This view, like the top view, confirms the overall similarity of the patented and accused design's shape while revealing the difference in the number, size, shape and location of the feet. As two of West Bend's patents do not claim the feet, this difference is not a consideration, at least when compared to the '266 and '993 patents. Rival having added small holes or an elliptical depression to West Bend's more basic design does not escape that the overall appearance or the pictured effect on the mind from a general view is not still substantially the same.

### **The Gorham Test, Conclusions**

40. After review of the seven views contained in each of West Bend's three patents compared to Rival's accused cooker designs, to me the overall appearance of the patented and accused designs are unquestionably substantially the same. However, the Gorham test states that they must be substantially the same in the eye of an ordinary observer, not in the eye of a design expert. Logically, a design expert is more visually discriminating and more attentive to visual nuances than is an ordinary observer. If the designs are substantially the same to a design expert, then they should be even more substantially the same to a less discriminating and less attentive ordinary observer.

41. The standard for determining infringement under the Gorham test has been met and satisfied as in the eye of an ordinary observer, giving such attention as a purchaser usually gives, Rival's overall designs are substantially the same as West Bend's patented designs, and the resemblance is such to deceive such an observer, inducing him or her to purchase one supposing it to be the other.

### **The Litton Test, Analysis**

42. The Litton test requires the patented design be compared to prior art designs to determine the patented designs' points of novelty which is what distinguishes the patented design from the prior art. The points of novelty are then compared to the accused design to determine if the accused design has appropriated the patented designs' points of novelty.

43. West Bend's '266 design patent cites twelve prior art references, all of which were submitted to the USPTO by West Bend. All are design patents and can be found in Exhibit 20.

44. West Bend's '664 and '993 design patents cite five prior art references, all of which were cited by Primary Examiner Caron D. Veynar. All are design patents and can also be found in Exhibit 20. Some references are cited by all three of West Bend's patents, resulting in the total being thirteen.

45. West Bend's U.S. Design Patent Number 425,360 ("the '360 patent") by the same two patentees is a previously filed application of December 7, 1998. It is the "parent" patent while West Bend's '266, '664 and '993 patents are the "children". While West Bend's '360 patent is cited by the '266, '664 and '993 patents, it cannot be used as prior art against the later filed applications because they all share a common priority date.

46. I considered all cited references in relation to each of West Bend's patents in suit for this analysis including the prior art cited by Holmes to West Bend's discovery request.

47. The '266 design patent's points of novelty are:

Knob: An opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal, or a somewhat mushroom shaped knob.

Skirt: An opaque round shaped and disc-like skirt that is larger in diameter than the knob.

Lid: A translucent domed and oval shaped lid having no integral skirt or knob.

Insert: An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.

48. The '664 design patent's points of novelty are:

Knob: An opaque round shaped and disc-like knob mounted on a round shaped smaller diameter pedestal, or a somewhat mushroom shaped knob.

Skirt: An opaque round shaped and disc-like skirt that is larger in diameter than the knob.

Lid: A translucent domed and oval shaped lid having no integral skirt or knob.

Insert: An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.

Feet: Four opaque small cylindrical feet placed in a rectangular pattern on the body's bottom.

49. The '993 design patent's points of novelty are:

Skirt: An opaque round shaped and disc-like skirt that is larger in diameter than the unclaimed knob.

Lid: A translucent domed and oval shaped lid having no integral skirt or knob.

Insert: An opaque and oval shaped insert separating a lid from a body having a generally oval shaped perimeter that has slight concave curves transitioning to outwardly flared end handles and having a material thickness that thins around the insert's entire perimeter.

50. Exhibit 21 contains a chart or grid comparing each of West Bend's three patents' individual points of novelty to each of the prior art references. This exhibit demonstrates that none of West Bend's three design patents' individual points of novelty are found in any prior art reference.

51. Exhibit 22 contains a photograph of each of Rival's accused designs that were previously identified in Exhibit 6. Each is identified with Rival's Model Number. The large individual photographs indicate that I examined and photographed those accused Rival Crock Pot designs. The smaller photographs from the internet indicate that I have not examined the actual product, but that I relied on the internet photograph and description of the accused designs.

52. Exhibit 23 contains three charts or grids comparing each of West Bend's three patents' individual points of novelty to each of Rival's accused Crock Pot designs. This exhibit demonstrates that all of Rival's accused Crock Pot designs have appropriated the individual points of novelty of one or more of West Bend's three design patents. Specifically, the knob is appropriated by some, the skirt by all, the lid by all,

the insert by all, and the feet by none.

53. Exhibit 24 contains a chart or grid showing which Rival designs appropriate the points of novelty of each of West Bend's design patents.

#### **The Litton Test, Conclusions**

54. As Rival's designs appropriate the points of novelty that distinguish West Bend's design patents from the prior art, as shown in Exhibit 24, I conclude that the standard for finding infringement under the Litton points of novelty test has been met and satisfied.

#### **Final Conclusions, Infringement**

55. As the Gorham ordinary observer test and the Litton points of novelty test have both been fully satisfied, Rival's accused designs, identified in Exhibit 6, infringe one or more of West Bend's design patents, as shown in Exhibit 24.

#### **Statements**

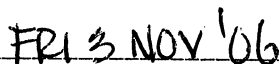
56. In compliance with Federal Rule of Evidence 702, my opinion is based upon sufficient facts or data, it is the product of reliable principles and methods, and I have applied the principles and methods reliably to the facts in this case.

57. I am fully familiar with the facts in this Expert Report and they are based upon my own personal knowledge.

58. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

  
\_\_\_\_\_  
Cooper C. Woodring, FIDSA®

  
\_\_\_\_\_  
Friday 3 November 2006